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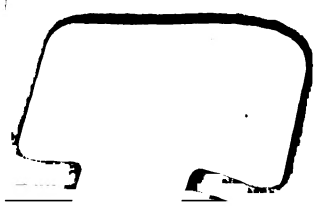

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OF THE

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OF THE

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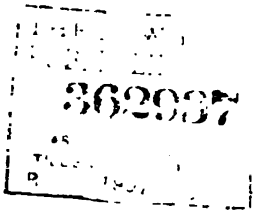

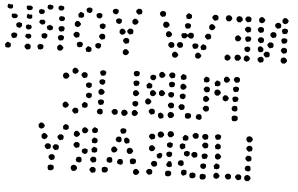

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INTRODUCTION.

Events of the Period.

THE period covered by the preceding volume of the Privy Council Register (April 1, 1635, to December 21, 1637) saw the beginning of the great revolt against the ecclesiastical policy of Charles I. which resulted in the overthrow of the royal authority till the Restoration in 1660. The imposition on the nation of the Book of Canons in the beginning of 1636 and of the Service-book, commonly known as Laud's Liturgy, in May 1637, had occasioned the historic riot in St. Giles's Church, Edinburgh, in the following August. In September petitions against the ecclesiastical innovations flowed into the Council, and in October the continuous flocking of excited crowds to Edinburgh convinced Charles that, if the Council were to escape popular pressure and give effect to his injunctions, it was necessary that it should hold its meetings in some other town in the kingdom. By his express order, therefore, it removed first to Linlithgow and subsequently to Dalkeith, where in the preceding volume we left it sitting on December 21, 1637. During the period before us it several times changed its place of meeting; it sat at Holyrood from January 6 to February 4, 1638; at Stirling, from February 15 to March 24; and at Dalkeith, from May 16 to June 8, 1638. On June 12, as the result of a petition from the town of Edinburgh, it resumed its sittings in Holyrood, where, with the exception of a brief absence in Glasgow, it continued to transact its business to the close of our period.

Importance of the present Volume of the Register.

Of the entries in the present volume, extending from January 6, 1638, to June 20, 1643, it may be said that they surpass in interest and importance those of any previous period. During

the greater part of the reign of James VI. and during the reign of Charles so far as it had gone, the members of the Council had been the mere nominees of the King, and in all important points of policy they had simply given effect to the royal commands. Throughout the period before us, however, a party in the Council openly opposed the policy of Charles, and before the period closed Charles was forced to abandon the privilege, assumed by himself and his father, of nominating the Privy Councillors on his own initiative and authority. Such being the new relations between King and Council, its proceedings were characterized by a freedom of action which gives them an intrinsic importance as the expression of the mind of the country. The record of the Council's action does not supply a complete history of the period, and at one point, as we shall see, there is an unfortunate hiatus of two years in the Register, but in no other source are so vividly presented the governing facts of the great revolt and the mutual relations of the contending parties.

Changes in the Council.

In the Introduction to the preceding volume a list was given of the Privy Council which had been constituted in 1631, and which, with frequent changes and additions, continued to exist till November, 1641. Between January, 1638, and the reconstruction of the Council in November, 1641, the following new members, all of them subsequently distinguished by their loyalty to the cause of Charles, were admitted at different times:—

Sir James Hamilton.
William, Earl of Airth (readmitted).
James, Lord Doune, afterwards third Earl of Murray.
George, second Earl of Kinnoul.
Robert, Lord Dalzell, afterwards second Earl of Carnwath.
William, seventh Earl Marischal.
James, Lord Almond, third son of the first Earl of Linlithgow.

A change in the important office of Clerk of the Council has also to be noted. During its sitting in Glasgow in November, 1638, the Council received a petition from James Primrose, stating that he had discharged the duties of Clerk for threescore years, and that now, owing to ill-health, he was unable to

continue them, and praying that during his lifetime his son Archibald might be appointed his deputy. Archibald was only twenty-three years of age, and the duties of the post, especially in the critical time through which the country was now passing, might have required an official of larger experience. But James Primrose had always been a favoured person at Court, and the Council acceded to his request. As he died in 1640, however, his son had to vacate the office in favour of James Philp who retained it till November, 1641, when Archibald Primrose took his place (pp. 89, 147).——The most important fact in the history of the Council during our present period was its reconstruction in November, 1641, as the result of the triumph of the Covenanting party, but the circumstances which led to that reconstruction, as well as what it involved, will best appear from a narrative of the Council's own proceedings.

Affairs of Church and State.

At the date when our Record opens it was still the Service-book that was absorbing the attention of the country. A Proclamation issued by the Council, sitting at Stirling, on February 19, 1638, shows that Charles was as zealously bent as ever on imposing the Book on his subjects. The Book, the Proclamation declared, had been seen and approved by his Majesty, and was expressly intended to maintain the existing religion and "to beate out all superstition." Certain nobles, gentlemen, barons, ministers, and others had, indeed, protested against the Book in various meetings and convocations, and had thus impugned the royal authority. Such conduct had merited his Majesty's "high censure," but he believed that it was due rather to "preposterous zeale" than to "anie disloyaltie or disaffection." Henceforward, however, there must be no such contravention of his Majesty's desire and command. All persons now in Stirling, who had no legal authority to be there, must quit the town within six hours after the issue of the Proclamation. In future, also, no person must repair to wherever the Council may chance to be sitting without first intimating his purpose and receiving an express warrant (pp. 3, 4).

Petitions against the Service-book prohibited.

The Council disapproves the imposition of the Service-book.

Very different is the purport of the next entry (March 1) on the same subject; the Council as a body is now filled with the gravest misgivings regarding the policy of compelling the adoption of the Service-book. "Having at lenth reasouned upon the causes of the present combustion within the countrie," the Council declares "that the caus of this meiting is to represent to his sacred Majestie the trew estat of the countrie be occasioun of the Service Booke, Booke of Canons, and the Hie Commissioun, and to thinke upon the best way how his Majestie may be satisfied in honnour and the peace of the countrie secured" (p. 7). "Hindered by diverse urgent occasions," Archbishop Spottiswoode, the Lord Chancellor, was unable to be present at this meeting, but in a letter excusing his absence he declared himself in perfect agreement with its finding. "Your Lordship (the Clerk Register)," he writes, "knowes my mind in the cheefest bussines whiche is to be entreated, whiche I assure my selfe will be the mynd of all good clergie men; that is, to lay aside the booke and not to presse the subjects with it anie more, rather than to bring it in with such trouble of the church and kingdoms as we see." "But," he proceeds, "I sould wishe all this to be fairlie caried without anie tuiche to his Majesteis honnour, and the opening of a doore to the dissobedience of ill affected people, quhairof I know your Lordships will be careful" (*Ib.*). Owing to the absence of the Chancellor and the importance of the business in hand, the Council resolved to hold a special sederunt the next day, and to sit from 8 till 12, and from 2 to 6 o'clock. As a result of their prolonged discussion, all the Councillors "in one voice" found that the imposition of the Service-book, Book of Canons, and the High Commission "ar the causes of this combustion" (pp. 8, 9).

Sir John Hamilton's mission to Charles.

Such being the unanimous conclusion of the Council, the next step was to communicate it to Charles—a delicate proceeding which had to be taken with due circumspection. Should one or more of their number be sent to Court with the unwelcome message? On deliberation it was decided to send only one emissary, and Sir John Hamilton of Orbiston, the Lord Justice-Clerk, was selected as the person likely to be most acceptable to

Charles. The purport of Hamilton's Instructions was to the following effect: he was to receive from the Clerk of Council a copy of all the Acts that had been passed since the 1st of March; he was to represent to his Majesty that in the unanimous opinion of the Council the imposition of the Service-book, the Book of Canons, and the Court of High Commission was the cause of the present commotion in the country, and that their introduction was "contrare or without warrant of the lawes of the kingdom." The special request he was to present was that Charles, "as ane act of his singular justice," would make enquiry into the complaints of his subjects, and that meantime he would not press the causes of offence. Whether Charles approved the representations of the Council or not, he was to be advised to take no step without consulting with certain of its members. Finally, Hamilton was to testify that the Council had in the meantime done all in its power to check the insubordination in the country, and that it could take no further measures till it learned his Majesty's pleasure. A brief letter to Charles explained that the royal Proclamation of February 19 had been followed by such general commotion that it was deemed necessary to inform him of the alarming condition of affairs. As Spottiswoode, the Chancellor, had not been present when these steps had been taken by the Council, a letter was addressed to him with the request that he would sign a copy of Hamilton's Instructions, and endeavour to secure the signatures of the bishops of Glasgow and Edinburgh, and of such others of the bishops as chanced to be within reach. The Bishop of Brechin (who had distinguished himself as an ardent supporter of Charles's ecclesiastical policy), had, he was told, approved the Council's proceedings, and the other bishops might, therefore, be expected to follow his example (pp. 8–12). A letter to the same purport was addressed to the Earl of Morton, who had held the office of Lord High Treasurer before he was displaced by the Earl of Traquair (p. 456).

Hamilton's Instructions were dated March 3, and on the 24th Charles's reply. Charles's reply was read before the Council. It expressed his great surprise both at the report of the state of the country and

at the advice which the Council had seen fit to give him. That advice, he said, "would hazard the overthrow of that churche government whiche our deare father of blessed memorie hath established." That he might determine his future policy, therefore, he desired that the Earl of Traquair, the Lord High Treasurer, and the Earl of Roxburgh, Lord Privy Seal, should at once be sent to him for further consultation (p. 17). As both Traquair and Roxburgh had approved the finding of the Council, it could have no objection to their representing its opinion, and they were entrusted with Instructions, with which both were supposed to be in agreement. As it was desirable that Charles should realise that his Councillors were of one mind, Spottiswoode was also requested to supplement the Instructions of Traquair and Roxburgh with such further arguments as might occur to him (pp. 17, 18).

Marquis of Hamilton appointed Royal Commissioner.

It is not till the 16th of May that we learn the result of Charles's consultations with Roxburgh and Traquair. On that day Traquair presented a letter from Charles to the Council, now sitting at Dalkeith and not at Stirling, informing them that on the 6th of June following there would be "a solemne meeting" of Council at Dalkeith, at which the Marquis of Hamilton would produce his credentials as Royal Commissioner to represent his Majesty in Scotland (p. 19). The 6th of June came, and Hamilton duly appeared and produced his commission, empowering him "to take order for compescing and setling of the present combustion and disorders" (p. 20). Two days later (June 8) an important step was taken: as the result of a petition from the citizens of Edinburgh it was resolved that the Council should resume its meetings at Holyrood as the most convenient place for the Commissioner to carry out the measures of conciliation with which he had been entrusted (p. 21).

Declaration regarding the Service-book and the Court of High Commission.

On the 4th of July came a Proclamation from Charles which indicated the policy that Hamilton had been commissioned to follow. The preamble of this Proclamation shows that the representations of the Council had not been without effect on the mind of Charles. "Forsamekle," it runs, "as we ar not ignorant of the great disorders quhilks have happened of late within this

our ancient kingdome of Scotland, occasiouned (as is pretended) upon the introduction of the Service Booke, Booke of Canons and High Commission, thereby fearing innovation of religion and lawes, for satisfaction of the quhilks feares we weill hoped that the twa proclamations of the ellevint of December and nynetene of Februar had beene abundantly sufficient, nevertheles finding that disorders have daylie so increast that a powerful rather then perswasive way might have been justlie expected from ws, yitt we, out of our innative indulgence to our people, greeving to see thame runne thameselves so headlong into ruine, ar graciouslie pleased to try if by a faire way we can reclame thame frome thair faults rather then to lett thame perish in the same." But the main statements in the Proclamation prove that Charles now felt himself constrained to make some concessions to his Scottish subjects. "And for forder cleering of scruples," it is said, "we doe heirby assure all men that we will nather now nor heirafter presse the practise of the foresaid canons and Service Booke, nor anie thing of that nature but in suche a faire and legall way as sall satisfie all our loving subjects that we nather intend innovation in religion or lawes. And to this effect have givin orders to discharge all acts of Counsell made thereanent; and for the high commission we sall so rectifie it with the helpe and advice of our Counsell that it sall never impugne the lawes nor be a just greevance to our loyall subjects; and what is farther fitting to be agitat in Generall Assemblie or Parliament for the good and peace of the Kirk and peaceable governement of the same for establishing of the religion presentlie profest sall lykewise be takin into our royall consideration in ane frec Assemblie and Parliament whiche sall be indicted and callit with our best conveniencie" (pp. 32–34). The following day (June 5) the Council duly passed an Act in accordance with the terms of this Proclamation (p. 35).

Another Declaration by Charles.

On September 22 another Declaration from Charles was laid before the Council in which he made still further concessions to the demands of the Covenanted party in the nation. Not only the Service-book, the Book of Canons, and the Court of High Commission were "discharged," but the Five Articles of Perth,

which had "bred great distraction and division in the church and estat," were declared to be henceforth inoperative. Henceforward, also, the only test to be applied to persons entering the ministry was the oath prescribed by the Parliament of 1580, and passed before the ecclesiastical innovations of James VI. To these concessions, however, there was annexed a condition which was to perpetuate the breach between Charles and his recalcitrant subjects. The National Covenant, which had been subscribed by the mass of the people in February, 1638, had always been regarded by Charles as an infringement of his prerogative; as a consequence of the Covenant he believed "he had no more power [in Scotland] than the Duke of Venice." As a substitute for the National Covenant, therefore, the Declaration enjoined that all Scottish subjects should accept the Confession of Faith subscribed by James VI. and his household in 1580, and by his subjects in the following year, and subsequently renewed in 1590—with the Confession being conjoined the General Band which had been drafted in 1589, and equally subscribed by James's subjects. In conclusion the Declaration announced that "a free General Assembly" would be held at Glasgow on the 21st of November, and that a Parliament would meet in Edinburgh on the 15th of May, 1639. As a desirable preparation for the coming Assembly, a solemn national fast was to be observed a fortnight before its meeting.

The King's Confession.

The immediate business now imposed on the Council was to secure subscription to the Confession of 1580—the King's Confession, as it was called in contra-distinction to the Covenant of the nation. The King's Confession (also known as the "Negative Confession") had been originally drafted at a time when Scotland was in one of its periodic panics at the action of Rome, and its burden is mainly a vehement repudiation of Roman doctrine and practice. By the General Band subsequently attached to it the subscribers came under an obligation to resist all attempts on the part of Rome against "the true christiane faith and religion . . . receaved, beleeved and defended by manie and sindrie notable kirks and realmes, but cheefelie by the Kirk of Scotland." On the 22nd of September

thirty members of the Council who were present signed the Confession and Band, Hamilton the Commissioner adding his signature to the rest. But Charles's command was that the Band and Confession should be subscribed not only by the Council, but by "all his Majesteis leiges of whatsoever estat, degree or qualitie, ecclesiasticall or civill." With this object commissioners were appointed for every part of the kingdom, with powers to exact subscriptions from all subjects "as they will be answerable to his Majestie and the saids Lords [of Council] upon thair dewtie and obedience." Appointed by an Act of Council, dated September 24, the commissioners were to report their diligence by the 13th of November—eight days before the date fixed for the meeting of the General Assembly at Glasgow (pp. 64–77).

The General Assembly at Glasgow.

The thoughts of King, Council, and nation were now centred on the approaching General Assembly at Glasgow, the proceedings of which were to be of such fateful consequence for the future of the country. On the part of Charles every precaution was taken to ensure a due regard for the royal authority. As far as had lain in his power, he had endeavoured to secure a general subscription of the King's Covenant before the Assembly should meet. A further step he took in the same direction was to require the Councillors to give their undivided support to Hamilton while he presided over the Assembly as Royal Commissioner. "Because," he wrote, "at suche publict and generall meetings it is not to be expected that all men's dispositions will be alike and of one temper, we require you, and that in a particular maner, according to the trust and confidence we have in your affections to our service, carefullie to advert that if anie proposition sall be made whiche may seeme to derogate from soveranitie or that true estat of monarchicall goverenment alreadie established within that kingdome, or whiche may imped the peaceable conclusion of this Assemblie, that, as good subjects and faithfull Counsellors and servants to us, you assist our Commissioner to withstand the same to the uttermost of your power" (pp. 78, 79). To this requisition the Council replied in a letter of cordial response. What is noteworthy, however, is

that one of the twenty members present apparently did not subscribe this letter—Thomas, second Earl of Haddington, afterwards a colonel in the Covenanting army, who perished in the explosion which destroyed Dunglass Castle in 1640. Another precaution taken by Charles to safeguard his interests at the coming Assembly was highly necessary in the existing state of public feeling. In all probability multitudes would flock to Glasgow on the occasion who had no official reason for being present, and might "disturbe the peaceable and modest proceedings" of those who had to transact the momentous business on hand. To avert such a possibility, therefore, an order was to be issued prohibiting all persons not members of Assembly from appearing in the town without the express permission of the Lord Commissioner, and enjoining all officially accredited to come unarmed and attended only by their household servants (pp. 82, 83).

The Glasgow Assembly sat from November 21 to December 20, and its work, as is well known, was to demolish the entire ecclesiastical edifice which had been reared with such pains by Charles and his father. During the revolutionary process the Council could only look on in helpless dismay—some of its members, such as Lord Lorn (now Earl of Argyle), however, lending a helping hand to the work of destruction. We have the records of only three of the Council's sederunts in Glasgow, but in none of them is there a detailed account of the doings of the Assembly. At one of these sederunts (November 20) a letter was read from Charles again urging the Councillors to give their loyal support to the Commissioner Hamilton (p. 90). More important is the record of the sederunt of November 28, by which date the Council had realised that the cause of the King was lost. Here we have a letter from the Council to Charles testifying that, if things had not gone as they would have wished, this had been due to no fault in the conduct of his Commissioner. "And altho," they write, "we doe remit the particular relation of what is past to his Grace selfe as best knawin to him, yit we can not for truthes sake be so silent as not to acknowledge to your Majestie that never servant did with more industrie, care, judgement and patience, go

about the discharge of so great a trust. And albeit the successe hes not answered his desyres, nather yit his extraordinarie paines (and as we confidentlie affirme) most dexterious and advysit courses taken to compas the just commande of so gracious a King, yit his deserveings heirin merit to be remembred to posteritie" (p. 91). Following this letter, though dated Holyrood, November 29, is a document which proves that the action of the Assembly had been fully anticipated by Charles and the Council. This is a long Proclamation prohibiting the Assembly from continuing its meetings under pain of treason. The grounds of the prohibition are given in a detailed indictment of the proceedings of the insurgent party previous to and during the meeting of the Assembly. They had treasonably kept guard on the Castle of Edinburgh, and had prevented stores and ammunition from being conveyed into that and other places. They had held illegal convocations and they had followed illegal methods in choosing members of Assembly. Persons had been chosen who were under sentence of outlawry and were thus incapacitated from sitting in a lawful Assembly. In the choice of members lay elders had outvoted the ministers. During the sitting of the Assembly numerous bands of armed men had flocked to Glasgow in the teeth of the express prohibition. The Assembly had denied the right of voting to the King's assessors, and had refused to listen to the Commissioner when he argued that a moderator could not be chosen without the presence of the bishops (pp. 92–94). Undeterred by this prohibition, the Assembly continued the sittings and completed its self-imposed task. Even before its work was done, however, measures had been taken to nullify its action. On December 18 the Council, now returned to Holyrood, issued another royal Proclamation declaring null and void the Acts of an Assembly illegal in its composition and illegal in all its proceedings (p. 101).

Impending Civil War.

As the result of the Glasgow Assembly both Charles and the Covenanters were convinced that the sword alone could settle their dispute, and early in 1639 preparations for war began on both sides. In the existing circumstances Charles's authority

in Scotland was virtually at an end, and the Council became a merely formal body—a medium of communication between the contending parties. On January 29, 1639, there came a letter from Charles which portended the worst. The letter bore that Charles would be at York about the time of Easter, "to be the more neare (the ominous words ran) to that oure kingdome for accommodating our affaires there in a faire maner." As the nation fully understood, Charles's northern journey meant a civil war to whose issue neither party could look forward with confidence. About the same date as the Council received Charles's letter, there came a petition from "manie noblemen, barons, burgesses and others," in which an offer was made to justify the proceedings of the insurgent party at the Council table. In its reply (March 1) to Charles's letter the Council enclosed this petition, and on its own account expressed the desire that he would "resolve upon some suche course as without force of armes" would lead to a peaceful settlement (p. 115). Charles's reply, received on March 23, gave little assurance of pacific intentions. We expect, he vaguely wrote, "that yow of our Counsell, as yow ar honnoured by us to be first in place, will stryve to goe before others by your good example in advancing of our service" (p. 116). Between its loyalty to the King and the solicitations of the insurgents the Council was now in the straitest of dilemmas. On April 11 it took a heroic resolution which must be read in its own words: "Being fullie persuaded that his Majestie will be pleased to heare of thame the simple truthe as they sall be answerable to God and his Majestie without anie privat respect but allanerlie his Majestie's honnour and the saiftie of this kingdome, thairfoir they thinke it necessar and incumbent to thame, out of their humble and bound affection to the weale, honnour and happines of his Majesteis person and governement and for preventing the imminent dangers hanging over this kingdome, that they all unanimouslie sould present thameselves to his sacred Majestie, and falling doun at his royall feete deprecat his Majesteis wrath aganis his subjects; and thairfoir they all in ane voice have resolved to take journay with all expedition towards his Majestie for the effect foresaid" (pp. 116–7).

By the date when this resolution was taken the civil war had already begun. In the beginning of April Charles was at York at the head of an army; and in the preceding month the Covenanters had taken the Castles of Edinburgh, Dumbarton, Douglas, and Dalkeith. The next entry in the Register referring to the political situation shows the Council still endeavouring to act as intermediary between the King and his subjects. By the date of this entry (May 10) the Marquis of Hamilton was in the Firth of Forth in command of a fleet intended to support Charles when he crossed the Border. To Hamilton, therefore, a conjoint meeting of the Lords of Council and of the Court of Session addressed a letter in which they expressed a desire that he would receive certain of their number to consider with him "the lamentable estat of kirk and kingdome" (p. 117). From his ship, "The Rainbow," at anchor in Leith Roads, Hamilton replied that he would be pleased to receive any one of their number on the errand which they had suggested. Two representatives, therefore, David, Earl of Southesk, and Sir Andrew Fletcher of Innerpeffer, duly waited on the Marquis, but the result of the conference is not recorded in the Register. The First Bishops' War.

An order from Charles that was submitted to the Council on May 13 is sufficiently curious in view of the existing condition of the country. The Covenanting party were now virtually the masters of the kingdom, and Charles had not yet reached the Border at the head of his army, yet the order he gave was that the Parliament should be fenced on May 15—the date of its meeting which he had fixed in the preceding autumn (pp. 118–19). Our next entry is, indeed, a significant comment on the futility of Charles's order. Sir Thomas Hope, the Lord Advocate, and Sir James Carmichael, the Treasurer-Depute, had received a command from Charles to come to him with all speed. But to execute this command was impossible without the permission of the Covenanting leaders who could easily have intercepted them on their journey to the Border. First by letter, therefore, and next by an actual visit to the Covenanting camp, Hope and Carmichael sought to obtain the requisite permission, but were peremptorily refused. On the report of

their failure, the Council sent other two representatives, the Earl of Mar and Lord Durie, on the same errand, but they had to return with the same report (p. 119).

Peace restored.

From the 15th of May till the 1st of July there is no entry in the Register, but for this blank there is adequate explanation. Between these dates the armies of the King and of the Covenant had come face to face and both had shrunk from the arbitrament of the sword. The result was the hollow Pacification of Berwick on the 18th of June, satisfactory to neither party, and only postponing the evil day. The immediate result of the Pacification, however, was that the administration of the kingdom was again resumed through its customary channels. On the 1st of July the Council met at Holyrood and transacted a variety of business. It issued a Proclamation authorising the Court of Session to resume its sittings in Edinburgh, now that his Majesty had "given order for the full settling of the peace of this his Majesteis Kingdome" (pp. 119–120). A letter from Charles gave orders that measures should be taken to stop the hostilities in the North where actual fighting had taken place between the Royalists and the Covenanters (p. 120). As in consequence of the Pacification Charles had announced his intention of making a progress through his northern kingdom, command was given to the sheriffs of Berwick, Roxburgh, Haddington, Linlithgow, and Edinburgh to make provision for the transport of his suite and baggage, and a committee was appointed to carry out the arrangements. According to a royal Proclamation made on the 18th of June a General Assembly was to meet on the 12th of August following, and the Council was now instructed by Charles to issue a summons at the market cross of Edinburgh to all lawful members to present themselves on the appointed day. What boded ill for the harmony of the coming Assembly was that bishops and archbishops were included in the summons though the Glasgow Assembly had abolished both orders (pp. 122–123).[1]

The General Assembly and the Council.

Till the 4th of July, when the Conncil next met, Charles had still the intention of making a progress through Scotland. On

[1] Charles, in his instructions to Traquair on the 27th, stated that he had ordered the bishops to absent themselves.—Gardiner, *History of England*, ix., 47, Ed. 1894.

that day orders were given to certain persons specified "to provide, designe, and marke loodgings, houses, and stables for all his Majesteis tryne and followers throughout all this kingdome where his Majesteis progresse sall ly" (p. 123). In point of fact, Charles saw reason to alter his intention of entering Scotland, and on July 29 left Berwick for London. The impending meetings of the General Assembly and the Parliament now preoccupied the mind of the nation. On the 10th of August the Council received a missive from Charles appointing the Earl of Traquair as Royal Commissioner in place of the Marquis of Hamilton, whose presence they were informed was now necessary at Court (pp. 127–128). The Assembly duly met on August 12, and, as is well known, confirmed all the Acts of the Glasgow Assembly, making an end of Episcopacy in Scotland. As far as the relations of the Assembly to the Council are concerned we find these in the record of the sederunt of the 30th of August. On that day there appeared before the Council, as representatives of the Assembly, the Earls of Rothes and Montrose, Lord Loudoun, and others, charged with an important petition. The petition was that an Act of Council should enjoin the subscription of the National Covenant "be all his Majesteis subjects of what ranke and qualitie soever, in tyme coming." In pursuance of Charles's present policy the petition was granted, Traquair, the Commissioner, himself being present and approving (pp. 131–132). In accordance with the same policy, Traquair, on the same day, made an important Declaration, which a marginal note informs us was subsequently deleted "at command and in presence of the Estates of Parliament" on August 13, 1641. "I, John, Earl of Traquaire, his Majesties Commissioner in this present Assemblie," this Declaration runs, "doe in his Majesteis name declare that, notwithstanding of his Majesteis awne inclination and manie other grave and weightie reasons moveing him, yit suche is his incomparable goodnes towards his subjects of this kingdome, that for giveing satisfaction to his people and for quieting of the present distractions, he doth consent that the fyve articles of Perth, the governement of the kirk by bishops, [and] civil places and power of kirkmen,

be declared unlawfull within this kirk as contrare to the constitutions therof" (p. 132). While making this Declaration, Traquair indicated certain reserves on which Charles had always insisted. In giving the royal sanction to certain Acts of the August Assembly it was to be understood "without anie respect or relation quhatsomever to the last pretendit Assemblie at Glasgow." A further reserve was that all Acts of the August Assembly should be null and void which should ordain any convocation of the lieges other than the ordinary meetings of kirk sessions, presbyteries, and synods authorized by the laws of the kingdom (pp. 132–133).

The Estates and the Council.

The Assembly rose on August 30, and the Estates met on the following day. Their proceedings were in every respect distasteful to Charles; they confirmed the Acts of the late Assembly abolishing Episcopacy, and by sanctioning a new arrangement for the election of the Lords of the Articles they deprived bishops of a legal status in the House. On October 31, therefore, Traquair intimated to the Estates that it was the King's will that they should be prorogued till the following March. So great was the opposition to this order that Traquair consented to a short adjournment that he might consult Charles anew. On the 14th of November Traquair produced Charles's reply in the form of a warrant proroguing the Parliament till the 2nd of the following June (Acts of the Parliament of Scotland, v. 255). The reading of this warrant was followed by a protest on the part of the House in which it was declared "that any prorogation made by the Commissioner's grace alone without consent of Parliament by himself or any Commissioner in his name . . . shall be ineffectual and of no force at all to hinder the lawful proceedings of the subjects" (*Ib.*, p. 257). As far as the Council was concerned, it was only the question of the prorogation that came under its cognizance. At a sederunt on November 18, Traquair required Alexander Gibson, younger of Durie, one of the Clerks of Parliament, to produce the Act recording the proceedings in connection with the prorogation of the House on the 14th. On presenting the Act Gibson was requested by Traquair to amend it in some details "which were

not substantial"—a request with which Gibson declared he was unable to comply. On being further asked to sign the document as it stood, Gibson again refused, affirming that, as it was written in his own hand, his signature was unnecessary—an opinion in which he was supported by the Lord Advocate, Sir Thomas Hope. A question of more importance raised on the same occasion was the legality of the form by which the prorogation had been carried through. The Clerk of the Parliament had refused to read the royal warrant for the prorogation: did this, the Lord Advocate was asked, "prejudge the legalitie of the prorogation"? The Advocate's opinion was that it did not, and the Councillors, on being asked by Traquair to give their judgments, "declared that they knew nothing to the contrare thairof" (p. 141).

Still, in connection with the matter of the prorogation, we have a significent entry under date November 20. In this entry we read that on the previous day Traquair had summoned to his presence the Earls of Rothes and Montrose, and others representing the nobles, barons, and burgesses. If the Estates continued to sit in spite of the prorogation, they were told, it would be "under the pane of treason"; if, on the other hand, they consented to dissolve, his Majesty would not only admit to his presence such representatives as the Estates might send to him, but would "punctuallie performe whatsomever he did promise." Already, it should be said, the Estates had sent the Earls of Loudoun and Dunfermline to represent their wishes to Charles who had refused to admit them to his presence. Such being the case, Traquair was told that the Estates would not again send representatives to his Majesty without his special permission, though on that permission being given they would gladly avail themselves of the opportunity. As for continuing to sit in spite of the prorogation the Estates had given proof that they had no such intention" (p. 142).

A New Privy Council.

At this point there is a hiatus of two years (from November 20, 1639, to November 18, 1641) in the Register, which is sufficiently explained by the events of the intervening period

During that period had occurred the Second Bishops' War, the result of which (August 10, 1641) had been the concession to the Covenanting party of all the demands they had hitherto made upon Charles. At the date when the entries in the Register are resumed this was the state of affairs. On July 15, 1641, the Scottish Parliament had met with the sanction of Charles, who came in person to Edinburgh on August 14. The special object of his coming was to gain the support of Scotland in his contest with the English Parliament, with which he had now irrevocably broken. With this object Charles had come prepared to make still further concessions, with one of which we are here specially concerned. "After a tough dispute" he agreed to the demand of the Estates that in future all officers of State, Privy Councillors, and Lords of Session should be chosen by himself, but "with the advice and approbation" of Parliament. Under date November 18, 1641, the day after the Estates rose, the Register supplies us with the list of the Privy Council chosen under the new conditions. The new Council consisted of forty-six members, four of whom, according to the precedent set by James VI., were Englishmen—the Earls of Arundel, Pembroke, Salisbury, and Holland.[1] As was to be expected from the conditions under which it was chosen, its *personnel* was considerably changed from that of its predecessor. Nearly a third were new members; the Chancellorship, held by Archbishop Spottiswoode in the previous Council, was given to John, Earl of Loudoun, an ardent Covenanter, while the office of Lord Advocate was retained by Sir Thomas Hope of Craighall. For the Treasurership, which had been held by the Earl of Traquair, there was such keen rivalry that for the prevention of strife it was entrusted to a Committee of four—the Earl, now Marquess of Argyle, and the Earls of Lothian, Glencairn and Lindsay. In succession to James Philp, who demitted the office on the ground of old age, Archibald Primrose was chosen as Clerk of the Council (pp. 142–8).

The Irish Rebellion.

The new Council met the following day (November 19), and found itself confronted with the business that was to be its main

[1] Another list of Councillors is given at p. 481.

preoccupation during the next three years. This was the Rebellion in Ireland, the first announcement of which had been made by Charles to the Estates on the 28th of October. In the progress of the Irish Rebellion Scotland was as deeply interested as England. Like the English Parliament the Scottish Covenanting party suspected that Charles was privy to what had taken place in Ireland, and intended to make use of it for his own purposes. Moreover, the Scots had so many of their own kin in that country that it was a national duty to see that they should not be left to the tender mercies of Irish Catholics. It was with the approval of the majority of the nation, therefore, that the Council assiduously took measures for the relief of the Protestants in Ireland. But however willing the Council and the nation may have been to do their utmost for their countrymen in Ireland, it was another matter to carry their good wishes into execution. To levy, provision, and transport to Ireland such a force as would be of any effect proved a task which strained all the energies of the Council. The main interest, indeed, of the Council's efforts to raise and maintain an army of a few thousand men in Ireland is to be found in the means to which it had recourse to accomplish this end.

Both the King and the English Parliament made an express application to the Council that it should take strenuous measures for the quieting of Ireland. The request of the King was that Commissioners should at once be despatched to London to consult with the English Parliament regarding the state of Ireland and other weighty matters importing the welfare of the three kingdoms (p. 150). At the same sederunt a communication from the English Parliament stated that steps had been taken in England for the raising and providing of 6000 foot and 2000 horse, and expressed the desire that Scotland would follow its example (pp. 150, 151). The Council's response to the King was a commission to the Earls of Lothian and Lindsay to proceed to London with powers to confer with the English Parliament regarding all the momentous issues now pending between Charles and his subjects (pp. 155, 485). Their chief instructions were to insist on the payment of the sums that had

been guaranteed in the Treaty that had followed the Second Bishops' War, and to do their utmost to bring about an understanding between Charles and the English Parliament (pp. 163–4). As to the business of the Irish Rebellion, they were to abide strictly by their instructions, and to keep the Council fully informed of their negotiations.

To the suggestion of the English Parliament that a Scots army should be raised for service in Ireland, the Council gave an equally prompt response. On December 3, 1641, orders were issued for a levy of 5000 men expressly intended for service in Ireland. Of these 5000, it was hoped that 2000 might be made up of the men who had served in the Second Bishops' War; should any of these refuse to serve, the Lord-General (Alexander Leslie) was empowered to levy others to complete the contingent. Of the remaining 3000, 1000 were to be Highlanders, and the different parts of the kingdom were to contribute contingents in the following proportions:—The burgh of Edinburgh 200 men, and the shire 150; Haddingtonshire, 150; Fife, 200; Linlithgow, 80; Berwick, 150; Roxburgh, 200; Selkirk, 80; Peebles, 80; Lanark, 250; Renfrew, 80; Ayr, 250; Wigtown, 150; Dumfries, 150; Perth, 200; Dumbarton, Bute, and the Braes of Stirling, 100; Argyle, 300; and Inverness, 300. The orders for these levies were communicated to the various sheriffs, who were at once to convoke meetings of the nobles, gentlemen, and heritors on whom it was incumbent to see the orders enforced. With the advice of these persons, also, the officers of the levies were to be chosen—soldiers who had served abroad being in all cases to be preferred. All arrears were to be paid to the men who had served in the late war, and every private was to receive sixpence a day till he arrived in Ireland, where he would enter the pay of the English Parliament. In the same orders of the Council warrant was given for the transport of the levies to Ireland. Argyll, Glencairn, and the magistrates of Glasgow, Dumbarton, and Renfrew were instructed to come to terms with the captains and owners of vessels in Glasgow, and from the Clochstone in the parish of Inverkip to Irvine; and similar instructions were given to the Chancellor

Loudon and the Earl of Cassillis in the case of the town of Ayr. Should the owners of the vessels refuse their use, any nobleman within the limits prescribed was empowered to disregard the refusal (pp. 170–172, 497–8).

Such were the energetic measures taken by the Council in response to the King and the Parliament of England. It was one thing to issue these orders, however, and another to enforce them with success. A letter addressed to the Council by the heritors of Roxburghshire illustrates the difficulty experienced in raising the required levies. In accordance with the order of the Council these heritors had met at Jedburgh with a view to raising the contingent of 200 men which was exacted from their shire, and this is the report which they communicated to the Council: The men who had served in the late war refused to re-enlist unless all arrears due to them were paid in ready money—"fair promises" having hitherto been their only remuneration. A further difficulty was that, as no officers had yet been appointed, fresh levies could not be conveniently raised. Finally, throughout the whole shire, and specially in Jedburgh and Kelso, there was opposition to the levies on another ground—the great outlay of the inhabitants in quartering soldiers during the late war had not been repaid by the Government, and they were indisposed to incur the risk of further expense. If these difficulties could be removed, however, the heritors were prepared to do their utmost to raise the required contingent (pp. 499, 500).

The difficulty in raising the required levies was not confined to Roxburghshire. Under date January 19, 1642, we find this significant entry: "The Committee [for superintending the levies] haveing red and considerit the severall reports sent in be the shyres anent the levey requyred for suppressing the rebellion in Ireland, they find that reports are not given in be all the shyres that wer written to, and for their reports that ar given in they find thame not satisfactorie and that thair is no assurance given thairby for furnishing of men, and nothing may be expected almost be anie thing that is yit done" (p. 523). In these circumstances the Committee were driven to reconsider the

means of raising the total force required. Only two alternatives were open to them: the one was that each shire should contribute a fixed contingent, or be subjected to a fine in the event of failing to comply with the requisition. The objection to this method was that it was "too near the forme of a presse, quhilks is of a dangerous consequence"; and, moreover, as experience had shown, it was impossible to apportion the contingents to the satisfaction of the shires. The other alternative was to give warrant to officers, who should be "able and popular men," to proceed through the country, and "with tuck of drum" to enlist such men as voluntarily presented themselves. All things considered, the Committee came to the conclusion that the latter was the preferable method (p. 524).

In the instructions given to the Earls of Lothian and Lindsay, the Council had bound itself to send 10,000 men to Ireland, of whom 5000 were to be provided at once. By the first week of February, 1642, 2500 men were ready for transport—no light matter considering the shipping resources of the kingdom. The arrangements made for the transport were as follow:—The 17th of February, "wind and weather serving," was fixed for the embarkation, which was to take place between the town of Ayr and the Roads of Fairlie, in the parish of Largs. As the chief potentate in the neighbourhood, the Earl of Eglinton was appointed to superintend the necessary arrangements, and he was to have the assistance of the towns of Glasgow, Dumbarton, and Renfrew. Before the day of sailing, Eglinton was to take possession of every craft on the coast in which the men could be stowed with safety. The passage money for each man was to be 30s. Scots, and for every "lyday"—that is, every day on which the fleet might be becalmed—five pounds Scots in addition were to be paid for every craft. The first detachment transported was to consist of 1000 men, and the following provisions were to be laid in for the voyage:—30,000 lbs. "of good and sufficient bisket of wheit, weying ane halff pund the peice"; 500 bolls of meal to be sent from Glasgow in sacks "narrow and handsome," each capable of holding half a boll; for each vessel two barrels of the "best herrings"; 500 gallons of ale of the "best

sort," the allowance for each man during the voyage being half a gallon (p. 533).

By the close of February other 2500 men, completing the number immediately required, were ready for transport, and under the command of Major-General Monro these were conveyed to Carrickfergus, the possession of which had been assigned to the Scots by the English Parliament (p. 208). As the collective force stood by the 11th of March, it consisted of four regiments with about a thousand men to each, though repeated desertions rendered the numbers variable. The Commander-in-Chief was Alexander Leslie, Earl of Leven; the Lieutenant-General, the Earl of Lothian; and the General of the Artillery, Alexander Hamilton—the several regiments being under the command of Major Monro, Lord Sinclair, Colonel Home, and the Laird of Lawers. For the transport of the further contingents another arrangement was found expedient: 5000 rixdollars were given to each colonel, who out of this sum was to levy and transport the number of soldiers specified for his regiment—new recruits receiving five dollars a day, and men who had served in the late war receiving seven (pp. 228, 229).

The levy and transport of the troops having been accomplished, the difficulties of the Council were not at an end. How was the army in Ireland to be paid and maintained now that it was there? The English Parliament had pledged itself to the monthly pay of all the troops—English and Scots—who were engaged in suppressing the Irish Rebellion (pp. 407, 408); but civil war had broken out in England and the Parliament was unable to keep its pledge. Certain sums, indeed, it did advance to the Scots, but these were totally inadequate to the maintenance of the collective Scottish force in Ireland. In these circumstances the Council had to fall back on its own resources, and the efforts it made proves that the relief of the Irish Protestants was regarded as a national duty. Its first measure was to appoint a Commission with the express charge of collecting provisions and forwarding them to Ireland (p. 223). Meal and herring were the staple diet of the troops, and these commodities were secured by contracts with merchants in different parts of

the country. At first there seems to have been money enough in the Exchequer to meet the claims of the contracting merchants, but the time came when this source failed and the means of purchase had to be found elsewhere. Under the date February 28, 1643, we find this notable entry: "The Counsel finds that the reddiest way for procuring of money to supplie the necessities of the armie is that all counsellors, judges, noblemen, and others weill affected be desyred to contribut upon the publict suretie of the judicatories of Counsell, Commissioners for the Peace and Burdens, and assignation to the pay dew or to be dew to the armie in Ireland be the Parliament of England; and recommends to Lauderdaill, Southesk, Balmerino, and Advocat to condiscend on the forme of suretie" (p. 403). The next entry indicates that there was a prompt response to this appeal. From twenty of the Councillors there were offers of various sums—Argyle heading the list with the promise of £1000 sterling (p. 403).

An entry under March 4 gives a pitiable description of the 10,000 Scottish troops whom the Council had finally succeeded in transporting to Ireland. There came "daylie advertisements," we read, "of the great necessities and wants of the said Scotish armie in Ireland, als well officers as souldiours, who for want not onlie of thair ordinar pay but even of victualls in the spairest measure, and of cloaths and shoes, ar redacted to that extremitie that their bodeis ar daylie decaying for want of necessarie sustenance to uphold nature" (p. 407). In the opinion of the Council this state of things appealed not only to the "Christian consideration" of its own body but to the Scottish people at large, and it now made an appeal for a loan of £20,000, to which every patriotic Scot might contribute to the best of his means. Sheriffs were instructed to convene meetings within their respective jurisdictions and, in concert with the Presbyteries, to bring the Council's proposal before every subject who might have any money to spare. The replies of a few of the Sheriffs are to be found in the Register, and all of these were equally unsatisfactory. The gentlemen of Berwickshire averred "that it was not in any of thair possibilities to advance any moneyis in regaird of thair awin distresse"; those of Stirlingshire, "that they had no moneyis

themselves, but they knew of diverse who had moneyis to len upon securitie"; while the sheriff of Edinburgh had to report that only five persons had appeared at the meeting which he had summoned in the Parliament House (pp. 639–641). Nevertheless, it appears that throughout the country at large there was a sufficiently liberal response to the request of the Council. At pp. 412, 423, 424, 437, 438, for example, we have lists of sums contributed by persons of all ranks, and sufficient in number to prove that the nation was deeply moved by the condition of the Protestants in Ireland.

The Irish Rebellion brought another burden on Scotland besides the maintenance of an army for its suppression. Crowds of fugitives, bereft of all the necessaries of life, flocked to the Scottish coasts as their nearest place of safety, and where they were most likely to receive charitable assistance. In the presbyteries of Ayr and Irvine alone more than 4000 of these refugees were found at one time (p. 267). The boxes for the poor and special collections could not meet the wants of such a multitude, and the usual application was made to the Council. The Council promptly responded, and directed an appeal to be made to all the presbyteries of the kingdom, appointing receivers for the sums contributed (p. 190). So "cheerfullie and liberallie" did the people give of their means that the Council had to exercise its authority to prevent peculation and misappropriation of the money raised (p. 254).

The Earl of Antrim.

Still in connection with the Irish Rebellion we have to note the entries regarding the Earl of Antrim, the discovery of whose projected plot for the invasion of Scotland finally decided the Covenanting party to throw over Charles and identify itself with the English Parliament. At the end of May, 1643, Antrim had been captured by Major-General Monro on landing on the Irish coast near Carrickfergus, and on his person were found five letters addressed to him—two from Viscount Aboyne, son of the Marquis of Huntly, and three from the Earl of Nithsdale—in which a plan was sketched for the invasion of Scotland at different points (p. 436). A previous entry (November 17, 1642) informs us that "one Thomas Lillie, servitor to the Earl of Antrim, with

twa of his footmen and twa baggage horses, loadned with some trunckes and a great clock bag, with a passe quhilk seemes to be counterfoot," has been apprehended by the magistrates of Dumfries, who are instructed to have their prisoners conveyed to the tolbooth of Edinburgh (p. 345). On the 6th of June, 1643, the Lord-Advocate was instructed to prosecute Aboyne and Nithsdale before the Justice-General on the charges involved in the letters found on the Earl of Antrim (p. 436); and on the 9th of the same month the Council emitted a long "Declaration," in which they enumerated the heads of Antrim's plot for the invasion of Scotland. The design of Antrim and his confederates, Nithsdale and Aboyne, "wes to reconcile the English and Yrish in Ireland, that they by their joynt power, having expelled the Scots, the Yrish forces there might be sent against the Parliament of England to deale with some fitt instrument there by all their strenth to surprise the Yles and Hielands, and to depopulat and waist so much of this kingdom as their power could extend unto, being assured of the like dealing in the North by the papists and their assistants there, and to have a magazen at Carlill for 20,000 men to fall in with all hostilitie upon the south pairts of this kingdom" (p. 443). The examination of Antrim's servitor, Lillie, on the 16th of June, confirmed the evidence of the letters found on Antrim on which the foregoing Declaration was based. On a vote taken in the Council Lillie was permitted to return to his master, still a prisoner with Monro in Carrickfergus (p. 648).

Negotiations of the Council with Charles and the English Parliament.

Besides the maintenance of a Scottish army in Ireland, the Council had other business in hand of even greater importance for the future of the three kingdoms. When Charles left Edinburgh for London in November, 1641, it was to find his English Parliament more recalcitrant than ever. On August 22, 1642, Charles raised his standard at Nottingham, and civil war began between Parliament and King. From the outbreak of hostilities it was of the first moment to the contending parties on which side Scotland should cast its sword, and it was through the agency of the Scottish Privy Council—the only permanent authoritative body in the country—that King and Parliament respectively sought to

gain the support of an ally that might decide the issue at stake between them. The task that thus fell to the Council was as difficult as it was momentous. In itself it was a divided body, as a minority of its members was decided in its sympathies with the King as against his Parliament. Collectively, however, they were unanimous in one desire—to effect a reconciliation between the two disputants as in the interest of all three kingdoms alike. In its negotiations with Charles and the English Parliament the Council strove to hold the balance between them, and even offered its good offices as arbiter in their controversy. But this policy was rendered increasingly difficult by the state of opinion in the country at large. By his concessions to the Scottish Parliament of 1641 Charles had gained a considerable following, and specially among the nobles; but popular opinion went decisively with the English Parliament, and, as the strife between the two parties deepened, the Council was gradually forced to abandon its neutral position, mainly through the action of the General Assembly—the potent voice of the popular will. As we follow the successive entries recording the communications between Council, King, and Parliament, we shall see the delicacy and difficulty of the relations of the contending parties. As will appear, the narrative of these communications carries us to the 1st of June, 1643, about three months before the adoption of the Solemn League and Covenant bound the Scots and the English Parliament to common action against the King.

The Scots Commissioners in London.

As we have seen, the Council, with the approval of Charles, despatched (November, 1641) the Earls of Lothian and Lindsay to London to consult concerning the pressing affairs of all three kingdoms. The arrangements for crushing the Irish Rebellion were to be the immediate concern of the two Commissioners, but their instructions also bore a wider application. "You are to labour dureing your abode thair [in London]," they were told, "by all meanes to keepe a right understanding betuix the King's Majestie and his people and betuix the two nations, and to confirme that brotherlie affection begun betuix them, to advance thair unitie be all lawfull meanes to the glorie of God and peace of the church and states of both kingdomes, and to prevent all

jealousies and mistakings quhilk may aryse betuix thame" (p. 163). In their part as peacemakers the Commissioners were apparently too officious for Charles's taste. On February 8, 1642, a communication from him was read in which he requests "that the Commissioners sould be desired be the Counsell not to medle betuix the King and Parliament of England without his Majesties knowledge and approbation." The reply of the Council to this rebuke could not have been quite satisfactory to Charles: "Our advyce to thame" [the Commissioners], it wrote, "ever hath and sall be that thair haill deportments may be suche as may best expresse our affection and fidelitie to your Majestie and continow that right understanding now established betuix your Majestie and this your native kingdome, whiche, as wee esteeme to be our greatest happines, so it is our earnest and heartie desyre that the lyke understanding may be established betuix your Majestie and your subjects of all other your dominions." In proof of its good intentions, the Council added that it intends to send the Marquis of Argyle to London if his presence be acceptable both to Charles and to the Parliament (p. 198).

Rumored Proposal to Break the Union.

The next communication (April 13) of Charles shows his eagerness to carry the Council with him in his disputes with his English Parliament. He has heard a singular story, he writes; on information from the Scots Commissioners, Sir Philip Stapleton has told the House of Commons that there has been talk in the Scottish Council of breaking the union between the two kingdoms. "None can judge better," he writes, "of the truthe of this information then your selfe [the Chancellor Loudoun, to whom the communication is addressed], who hath constantlie attendit our Councell, for till now wee neither hard of anie suche motion nor anie suche meiting of our Estates. Wee doubt not bot yow will easilie find how necessar it is that the truthe of this be knawn, whiche possiblie might otherwayes in some kynd reflect on us. And, that yow may the better knaw how desirous wee are to remove suche distractions as may enterteanie anie misunderstanding betuix us and our people, wee have commandit our Secretarie to send yow a double of suche messages as of late hath past betuix us and our Parliament here." Whatever

ground there may have been for Stapleton's statement, the reply of the Council was emphatic. "This information," it wrote, "hath not a little amased us, findeing our humble endeavors in your Majesties service thairby misconstrued without ground or warrand" (pp. 234–236).

Communications from Charles and the English Parliament.

Six days later (April 19) the Council had before it two communications, from the English Parliament and from Charles respectively, which appear to have placed it in an embarrassing dilemma. The burden of these communications was mutual recrimination—the special point in each being Charles's withdrawal from London and absenting himself from the meetings of Parliament. Again we note the eagerness of King and Parliament to put their proceedings in the best light before the Council. The Parliament fully realized that the Scots, in spite of their late breach with Charles, retained a natural tenderness for the King whom they had given to their more powerful neighbour, and in its statement to the Council it carefully avoided a direct reproach against him. The misunderstanding with Charles, it wrote, "hath haillie and sollie proceedit from the evill councells and suggestions of ill affected persons who have also stirred up his Majestie by declarations and messages to lay severall great and heavie imputatiouns upon the Parliament, and to disaffect him to thair proceedings, quhairby they are inforced, for the clearing of thameselfes and thair actions frome suche aspersions, to sett furth a declaratioun unto this kingdome, whiche, when they have perfected, they intend to send also to the Council of Scotland that it may [be] communicated to that kingdome, to give thame more particular satisfaction concerning thair intents and actions" (p. 242). The Declaration to which the Parliament referred had been sent to Charles by the Council, and it was in reply to it that his communication had been sent. Charles's chief anxiety was that his account of the national quarrel should be made as public as that of the Parliament. "Thairfore wee command yow," he wrote, "(least this confident aseveration may prejudice us with our Scots Councel) to requyre thame in our name diligentlie and seriouslie to peruse all these answers which wee have made to our

Parliament of England, being verie confident that they will find wee have had too muche caus to withdraw our selfes frome the southerne parts of this kingdome" (p. 243). "Wherefore," he concludes, "wee are confident that they [the Council], haveing maturelie and consideratlie weyed all things, will returne suche answer to our Parliament of England's declaration that will make all the world sie that they rightlie understand our actions as proceeding from our real intentions of preserveing our people in the true religion, lawis, and liberties" (*Ib.*).

The Council was evidently in sore perplexity as to the most fitting terms in which the two communications should be answered. It appointed a Committee consisting of the Chancellor Loudoun, the Marquis of Argyle, and the Earls of Morton, Lauderdale and Southesk to draw up the heads of a reply on which a letter might be based (p. 245). These heads were duly produced before the Council, and the Chancellor was instructed to frame a reply in accordance with them (p. 247). The document took the form of an "advice" which was to be sent to both the contending parties, and which could be construed into approval of neither. To the Parliament the Council was made to say that they "doe find thameselfes bund in duetie to acknawledge that they esteeme it no small happines to ressave true and full information frome the fountaines and not to be left to the muddie and wandring streames of privat misreports" (p. 249); and to Charles that they "also ressave and embrace with all humble respects and thankfulnes frome his Majestie the large and lyvelie expression of his royall and religious resolution and care of mainteaning and preserving the true religion" (*Ib.*). The "advice" itself was so vague that it is evident that the Council was deliberately holding the balance between the two parties. "Upon the one part," they wrote to the Parliament, "they wish and are confident that the honourabill Houses of Parliament, in their great wisdome and affection, will leave no faire and good meanes unassayed to induce his Majestie to returne unto thame, that there may be a better understanding betuix him and his people, and they honoured with his royal presence, and strengthened be his scepter and auctoritie" (p.

250). "Upon the other part," they wrote to Charles, "frome the deepe sense of his Majesteis trouble and frome the love and loyaltie of thair hearts thair humble desyre is that his Majestie may be pleased to hearken to the earnest desyrs and hartie invitation of his people in returneing to his Parliament, quhilk, as it is his great, so it is his best and most impartiall counsell" (*Ib.*). The opinion expressed by the Council on one point, however, must have indicated to Charles that its sympathies lay rather with his revolted subjects than with himself. To the dismay of his English Parliament Charles had announced his intention of proceeding in person to Ireland—a step from which the Council earnestly dissuaded him as contrary to his own interests and those of his kingdom (*Ib.*).

Friction between Charles and the Council.

With the approval of Charles the Chancellor Loudoun was despatched to him with the Council's reply to himself and the English Parliament. After seeing Charles, Loudoun was to proceed to the Scottish Commissioners in London, but this Charles forbade, and Loudoun returned to Edinburgh to report the result of his mission. At a sederunt on May 25, 1642, the Council again had before it communications from Charles and his Parliament. Those from Charles consisted of a letter to the Council and "Instructions for our Chancellor of Scotland concerning our desyres which wee command him to represent to our Council of that kingdome." The tone of Charles's letter showed that he was far from satisfied with the attitude of the Council. "We desyre not," he wrote, "that yow sould intermeddle so farre as to take upon yow to decyde the differences betuix us and our Parliament, bot that (as fellow subjects under one heid and monarch and as faithfull counsellers to us) yow will labour to informe your selfes of the true estate of the questions betuix us and our Parliament" (p. 256). The "Instructions" to the Chancellor contained another letter from Charles to the Council in which he shows equal displeasure at what he deemed its officious interference. "Wee did not requyre of yow," one passage in it runs, "that yee sould sit as judges upon the affaires of another kingdome. Wee onelie intend to have both our sufferings and our actions, as they are

exprest in manie papers whiche have passed betuix us and our Parliament, made thorouglie knawin to yow; that since wee have none besides yow, whome wee can acquaint with our proceedings, yee may clearlie sie that wee have beene so farre from wronging our Parliament of England that wee have given them all satisfaction" (pp. 257, 258). The English Parliament could not afford to take so high a tone as Charles. It simply thanked the Council "for the wyse and sound counsel given to the King to returne to his Parliament," and desired that it would continue to give the same good advice. They further requested that the Council would make a point of sending them all the communications they received from Charles regarding the national dispute, promising in return to submit to the Council all their own representations to Charles on the same subject (pp. 258, 259).

To answer these communications from Charles and his Parliament a Committee of twelve was appointed, at whose meeting, however, any member of Council might be present (p. 260). Of the two replies, only that to Charles appears in the Register (June 2). Its curtness and ambiguity appear so studied that Charles could not fail to infer that his friends in the Council were in a feeble minority. "Most sacred Soverane," the letter ran, "wee have seene and considerit the several messages and letters past betuix your Majestie and your Parliament of England with the propositions and demands shawin to us be the Lord Chancellor, and, as wee are hartilie sorie to sie the condition of affaires thair, so wee are and sall ever be reddie, according to our bund dutie, to contribut our humble service and best endevors for setling the same in suche a way as may conduce most to your Majesties honor and auctoritie and good and peace of your kingdomes, as becometh your Majesties most humble and faithful subjects and servants" (pp. 264, 265).

Three days before this letter was read (May 31) the Council had received a petition which may have influenced its tenor. This petition came from the Covenanting party in all its ranks —nobles, gentlemen, burgesses, and ministers. Though worded with deliberate caution, its drift could not be mistaken. The petitioners, and those whom they represented, had been alarmed

at the correspondence between Council, Parliament, and King. Their alarm had been increased by the fact that, in view of the meeting of the Council that day (May 31), there had been "great convocations" of persons "esteemed be the country and challenged be the Parliament as incendiaries, plotters, or enemies to the peace of thir kingdomes." The influence of these persons, they feared, might constrain the Council to offer military aid to the King to enable him to overawe his English Parliament, and the object of their petition was to warn the Council that in so doing they would not have the country at their back. Though the petitioners expressed no animosity against the King, their sympathy with his rebellious Parliament was not disguised: "nather can your Lordships," they said, "judge of the lawis and proceedings of another independent kingdome, and the Parliament of England offers to give all satisfaction concerning any messages or papers sent to your Lordships anent thair proceedings" (p. 262). The Council was also significantly reminded that the power of entering into engagements either with the King or his Parliament did not rest with them alone, as a Committee (the Conservators of the Peace, a standing Committee of the Estates) expressly existed for safeguarding the relations between the two kingdoms. The reply of the Council was that, "as they are most tender and sensible of whatsomever may concerne his Majesties honor and auctoritie, so will they have a special care not to doe anie thing contrarie to the late treattie or whiche may infringe the union and peace or weaken the confidence betuix thir twa kingdomes so happilie established in his Majesties presence and with his royal consent in both Parliaments" (p. 264); and the petitioners were requested to trouble the Council with no more supplications "of this kynde."

Petition of the General Assembly for unity of religion in the three kingdoms.

During July and August the General Assembly sat in St. Andrews, and took a step which eventually resulted in the Solemn League and Covenant between the English Parliament and the predominating party in Scotland. Through its Standing Committee the Assembly presented a petition to the Council desiring its concurrence "in thair remonstrance to the Parliament of England towards the setling of unitie in religion and unifor-

mitie of church government in his Majesties three kingdomes" (p. 314). The reply of the Council was as satisfactory as the Assembly could have desired: It "unanimously and hartilie" concurred "in thair earnest desyrs to the honourabill Houses of the Parliament of England to take to thair serious consideration the particular forsaid tuicheing unity of religion and uniformitie of Kirk government in the saids three kingdomes."

The Council endorses the petition.

It was on August 18 that the Council despatched the Assembly's petition to the English Parliament, and the reply came on the 21st of September. By this date the English Civil War had begun, and the Parliament was more eager than ever for a Scottish alliance. Its answer, therefore, was an apparently hearty response to the desire for unity of religion on the part of the Council and the Assembly. All this augured ill for the interests of Charles in Scotland, and, as it happened, there now arose a fresh cause of friction between Charles and the Council. On its own authority the Council had resolved to recall its Commissioners in London with the exception of two, the original number. Since Charles had left London, he naturally considered the presence of the Commissioners there as a slight on his authority and a danger to his interests. Somewhat peremptorily, therefore, he wrote to the Council demanding the recall of all the Commissioners. Without his authority, he said, the Council had no right to appoint Commissioners to treat with the English Parliament, and, moreover, two could not form a *quorum* to negotiate in any business that might arise (p. 318). The Council point blank refused to recall the two Commissioners: "wee conceave our selfes bund," it wrote, "to represent to your Majestie that wee are sufficiently warrandit and authorised be a special commission frome your Majestie and your Parliament to have a care of what is necessarie for these forces sent frome this to Ireland, and to sie that the treattie for Ingland for thair enterteanment be performed" (p. 319).

Mutual approaches of the Council and the English Parliament.

While there were these indications that the Council was becoming alienated from the King, its relations with his Parliament, on the other hand, were growing more cordial. The ground of their mutual approach was that "unity in religion

and uniformity in church government," vehemently desired for itself by the Covenanting party in Scotland, and desired by the English Parliament on grounds of policy. On September 29 the Council replied to the Parliament's communication regarding unity of religion, and in terms which virtually implied a breach with the King. We "doe in all humilitie blesse God for his goodness," it wrote, "and with all cheirfulnes returne thanks to the Parliament for hearkning to the joynt desyrs of this Kirk and kingdome and for promoveing this blessed work whiche promiseth so great happines to both kingdomes" (p. 329). In another sentence the Council completely identifies itself with the petition of the General Assembly, and in so doing passes judgment on the Royalist party. "It is not to be expected," this sentence runs, "bot malicious men, the enemies of religion and all righteousness, will rage and tumultuat as they have done frome the beginning and late experience hath taught, bot it is muche better in so good a caus to be vexed for a tyme with thair malignant intentions and violent opposition then to have religion, liberties and lawis, his Majesties good subjects and the posteritie prostitutte to thair lusts and trode underfoote at thair pleasure in all tyme to come, whiche the saids Lords acknawledge and have found to be the unnaturall designe of papists, prelats and atheists against both kingdomes" (*Ib.*).

Charles and the unity of religion.

The petition of the General Assembly for unity of religion had been sent by the Council to Charles as well as to his Parliament, and his reply was submitted to it on November 3. As was doubtless expected, its purport was very different from that of the Declaration by the Parliament. "By your letter to us the 19th of this instant August we find yow concurre with our late General Assemblie in thair desire to us anent unitie of religion and uniformitie of church governement in all our three kingdoms, which cannot be more earnestlie desired by yow then sall be reallie endeavoured by us in such a way as we in our conscience conceave to be best for the floorishing estat of the true protestant religion. But as for joyning with our houses of Parliament in this work, it wer improper for us at this time to give anie answer. For since their meeting they have never

made anie proposition to us concerning unitie of religion or uniformitie of church governement. So far they ar from desiring anie such thing as we ar confident the most considerable persons and they who make fairest pretences to yow of this kinde will no sooner embrace ane presbyteriall governement then yow an episcopall" (p. 332).——An emphatic commentary on this letter of Charles's is the next communication from the Parliament, read before the Council on November 15. The Parliament now proposes that definite practical action should be taken to bring about the religious unity for which both parties had expressed the desire. "For the better effecting thereof," the Parliament wrote, "we doe thankfullie embrace the correspondence of that honnorable table [the Council] and of the Commissioners of the Generall Assemblie and sall likewise most willinglie concurre with the good endeavoures and intentions of the Commissioners for conserving the peace betuix the kingdoms according to the act of pacification ratified in both Parliaments, hoping and praying that the God of Heaven will crowne our mutuall desires with such ane issue that the true religion, the honnour, safetie and peace of his Majestie and all his kingdoms may be established and preserved aganis the malicious designes and practises of those who seeke openlie to oppose or secretlie to undermyne the same" (p. 341).

The English Parliament desires Military assistance.

The 20th of December was a momentous day for the Council —momentous in the history of both kingdoms. On that day it had before it two communications, one from the Parliament and one from Charles, and a decision in the case of either involved a fresh national departure. The battle of Edgehill, the first in the Civil War, had been fought on the 23rd of October, and, as the victory had gone to Charles, the assistance of the Scots was an urgent necessity for the Parliament. In its last communication to the Council, therefore, it directly asked for military aid against the King, and thus stated the grounds on which it made the request. "Wherefore," it wrote, "wee have thought good to make knowne to our brethren that his Majestie hes given commissions to diverse eminent and knowne papists to raise forces and to compose ane armie in the north and others parts

of this kingdom, whiche is to joyne with diverse forrane forces intended to be transported frome beyond the seas for the destruction of this Parliament and of the religion and libertie of this kingdome, and that the prelaticall part of the clergie and their adherents have also incited his Majestie to raise another armie whiche in his owne person he doeth conduct againis the Parliament and the citie of London, plundering and robbing sindrie weil affected touns within their power" (p. 360). The objects for which the army should be raised were thus specified. "And heerupon we further desire our brethren of the nation of Scotland to raise such forces as they sall judge sufficient for securing the peace of their owne borders against the ill affected persons here; as likewise to assist us in suppressing the armie of papists and forrainers which, as we expect, will shortlie be on foot heir, and if they be not timelie prevented may prove als mischievous and destructive to that kingdom as to ourselves" (*Ib.*).

Charles's reply to the English Parliament.

This communication of the Parliament had been sent to Charles by the Council, and it was his reply to it that was read on the same 20th of December. The purport of the reply was an emphatic repudiation of the intentions ascribed to him by the Parliament and the expression of the conviction that the Council would not accede to the request for military assistance. "And we know," he wrote, "no reasonabill nor understanding man can suppose our good subjects of Scotland ar obliged or enabled by the late act of Parliament in both kingdoms to obey the invitation which is made them by this pretended declaration" (p. 363). The letter contained a request that it should be printed and distributed in the country, but the Council deemed its contents of such importance that it postponed further action till a "more frequent meiting." On the other hand, by a vote it was decided "that it wes not fitting" to print the communication from the Parliament.

The Communications of Charles and the Parliament both to be published.

It is not till January 10, 1643, that we find the Council resuming consideration of the communications from Charles and the Parliament. In the interval it had resolved, in accordance with Charles's express wish, to print and circulate his last letter,

and now Charles gave order that the document of the Parliament should be published along with it. To this the Council agreed, but with the reserve that "their giving order for printing anie papers doeth not import their approbation thereof" (p. 373). A further caveat, also, was lodged by three of Charles's supporters in the Council—the Earls of Mar, Glencairn, and Lanark, who protested that their voting for the publication of the documents in question "wes not for satisfaction of the doubts of anie of his Majesties subjects, since they conceave the Counsell comptable for their actions to the Kings Majestie and Parliament onlie" (p. 374).

Petition from the Commissioners of the General Assembly.

The proceedings of the Council had all along been assiduously watched by the Commission of the General Assembly, and on January 13 it received a communication from that body which was a hardly veiled rebuke. The communication consisted of a petition to Charles and a letter addressed to the Council. The petition urged on Charles the former demand for unity of religion and uniformity of Church government, and the letter called on the Council to give the petition its whole-hearted support. But the sting of the Commissioners' letter is contained in the following sentence:—"And with all we are constrained with greeved hearts to represent to your Lordships that whill we are exercised in doing our duetie and in promoving of so good a work, of which we must give ane accompt to God and the next General Assemblie, a petition presented to your Lordships by some privat noblemen, barons and gentlemen is come to our hands, which in the points of unitie of religion, of our solemne covenant, of our dutie to the Kings Majestie, of our owne peace and of the peace of the two kingdoms, then which no maters can be of greater importance to be the subject of the gravest deliberations of civill and ecclesiasticall assembleis, yitt this petition in all these so weightie maters proceedeth upon grounds not onlie diverse but contrarie to the meaning of the Kirk and of all that hath beene formerlie done by your Lordships, by the conservators of the peace and by the assembleis of the Kirk and thair Commissioners" (p. 375). To this implied reproach the Council submissively replied that it would "concurre with the

Commissioners of the General Assemblie in recommending to his Majestie the establishment of unitie of religion and uniformitie of Kirk governement in all his Majesteis domains, and the removing of all impediments that doe hinder the same," and it promised at the same time to keep in touch with the Commissioners in all that concerned their interests and those of the Assembly they represented.

The "Cross Petition."

Still unsatisfied with the attitude of the Council, the Commissioners of Assembly made a further statement of their grievance on January 19. They had met in Edinburgh on January 4, they said, for the purpose of considering the question of the unity of religion, when they were approached by certain nobles, barons, and burgesses with the view of making a joint-petition to the Council. As the views of both parties were found to coincide, it was resolved that a joint-petition should be made. "But," wrote the Commissioners, "after some dayes, contrarie to our expectation, another petition is presented to your Lordships by some private noblemen, barons, and gentlemen, which after perusall and examinatioun we found to be crosse and contrarie, not onlie to the former petition presented by us to the Commissioners for conserving of peace, but in our best and most impartiall judgement, altho in faire words and under specious pretences, destructive of our intentions and proceedings" (p. 379). The "Cross Petition," the Commissioners of Assembly went on, had been circulated in both kingdoms, though they had done their best to persuade its authors to recall it. What they now desired of the Council, therefore, was that their own petition should likewise be communicated to both peoples, and, above all, that the Council would support them in impressing on the King the supreme necessity of the unity of religion in all three kingdoms. The Council's reply was all that could be desired by the Commissioners: it promised to recommend their petition to Charles, and signified that it had not given its approval to the rival document (*Ib.*).

Convention of Estates to be summoned.

On May 12 the Council took a step which involved a direct breach with the King. At a joint-meeting of the Council, of the Commissioners of the Peace, and of the Commissioners for

the Common Burdens the question was deliberated whether, in view of the condition of both kingdoms, it was expedient to summon a Convention of the Estates. The votes of the meeting were taken on the following points: Was it "fitting" that the judicatories should "consult and resolve" on the expediency of summoning the Convention; was it "necessary" that the Convention should be summoned at that time; was it expedient that it should be summoned "presentlie"; and, lastly, should his Majesty's "pleasure" be asked or not? The conclusion of of the combined meeting was that his Majesty's warrant should not be invited, and that the Convention should meet on the 22nd of June (pp. 426, 427). "We have been constrained," the Council wrote to Charles, "to crave the advice and resolution of ane Convention of the Estats, June 22, which, as according to the duetie and obligation of our places, we ar bound to shew to your Majestie; so do we humblie intreat that againe the time agreed unto by commoun consent, your Majestie be graciouslie pleased to acquaint us with your pleasure and commandements that maters may be so determined as may mak for the honnour of God, your Majesties service and weale of your kingdomes" (p. 428). From the decision of the three bodies there were two dissentients—the Marquis of Hamilton and Sir Thomas Hope, the Lord Advocate—who protested that the Estates could not be convoked "without his Majesties speciall warrant" (*Ib.*).

Charles's Declaration to the Scottish people.

Under date June 1 we have the last document referring to the relations of King, Council, and Parliament in the present volume. This document is a long "Declaration" by Charles in which he arraigns the dealings of the English Parliament with the Council, justifies his proceedings in the case of both kingdoms, and expresses the conviction that Scotland would never lend a hand to assist his enemies (pp. 429–433). At his request the Council agreed to publish the Declaration at all the market crosses of the kingdom. To one clause in the Council's letter intimating their resolution to Charles the Chancellor Loudoun objected as contradicting the previous communication announcing the Convocation of the Estates, The clause to which Loudoun objected was as follows: "And endeavoure to

prevent all jealouseis which may arise upon anie groundles report of levying of armes or mainteaning of forces within this kingdom without speciall warrant from your Majestie and Estats of Parliament." It was, therefore, Loudoun protested, "as Chancellor onlie," and because the Council's vote so ruled it, that he subscribed the letter in question (p. 434).

The Incendiaries.

In connection with the affairs of Church and State, it only remains to note the few entries regarding the so-called "Incendiaries"—the name given by the Covenanting party to the persons whom they held responsible for the policy of Charles which had occasioned the national troubles. These persons were five in number— the Earl of Traquair, who had been Lord Treasurer and Lord High Commissioner; Sir Robert Spottiswoode, son of the Archbishop, and formerly President of the Court of Session; Maxwell, ex-Bishop of Ross; Dr. Balcanquhal, the author of the "Large Declaration," which had given such offence to the Covenanters, and Sir John Hay. Of all these persons Traquair had been deemed the most mischievous, by reason at once of his abilities and his influence with Charles; no subject, it was said of him, had had so much power in his hands for the past forty years. In the Parliament that met in 1641 a Commission had been appointed for the trial of the Incendiaries, with powers extending to the 1st of March following. Under date December 3 we find a caution from Traquair binding himself to appear for trial whenever he might be summoned, and meantime to "behave himself in such a quiet manner as may conduce most to the peace of the kingdome" (p. 175). In point of fact Charles could not be eager for the punishment of persons who, however obnoxious to his adversaries, had been the instruments of his own policy. Till as late as February 8, therefore, when the powers of the Commission for their trial were near expiring, no steps had yet been taken to bring them to judgment. The occasion of the delay, we are told, was "the remissenesse of the Lord Advocate and Procurators of Estate in doing thair duetie," who were now strictly charged to proceed with the prosecution (p. 199). From a letter of Charles to the Council, dated March 29, however, we are to infer that the Commission had expired

and no trial had taken place—a result doubtless due to the influence of Charles and the divided counsels of those who had urged the impeachment (pp. 233, 234).

Domestic Affairs.

A question we naturally ask in connection with our period is—To what extent was the general business, the peace and order of the country affected by the troubles in Church and State? So far as the Register is concerned, the answer is that there is little indication that there was any serious interruption to the routine of the national life. That in all parts of the kingdom there were more frequent breaches of the law, however, was inevitable. The Council, which possessed such wide judicial powers, as likewise the Court of Session, were at one time disorganized and for a considerable period in practical abeyance, and we shall find that the change of their place of meeting was urged as a pretext for eluding the law in certain cases. It would appear, also, that sheriffs were more remiss in their duties, and that there were delays in the appointment to their offices when these fell vacant. Nevertheless, it is in other sources than the Register that we must look for evidence that the national quarrel seriously affected the life of the people in its domestic concerns.

The Western Islands.

It is in the Highlands and Islands that we should naturally look for advantage to be taken of the weakened arm of the law. Even when the kingdom was in its normal condition, it had strained all the powers of the Government to maintain a tolerable degree of order in these districts. In the case of the Western Islands we find evidence that the dislocation of the central authority was attended by mischievous results. By a statute passed (1610) in the reign of James VI., the principal chieftains of the Isles were bound to present themselves annually before the Council as a pledge for their good conduct in the interval, and the obligation had hitherto been rigorously enforced. On June, 1638, however, when the Council was in the midst of its distractions over the Service-book, there came a supplication from Sir Donald M'Donald of Sleat that he might be relieved

from presenting himself on July 10—the date appointed for the annual appearance of the Island chiefs. The pleas urged by M'Donald for relief were protracted sickness, and "the unsattled estate of the countrey and uncertaintie of the saids Lords thair meetinges" (p. 22). On the 26th of the same month John M'Leod of Dunvegan sent in a similar petition and on the same plea. "And wheras lykewayes," he writes, "the countrey is not sattled and his absence from his awne countrey, wher rude people take advantage of appeirances of alterations, may prove dangerous, he craves that their Lordships would dispense with his appearance on this occasion" (p. 26). Not only M'Donald and M'Leod, however, but "the gentlemen of the Yles" as a body presented a petition for the same dispensation, and their plea deserves to be noted as a further illustration of the mischievous consequences of the controversy between Charles and his revolted subjects. "But now," they represented, "the bruits and rumor of trouble whilks ar so far current throw the countrey is lyke to stirr up dissobedient and broken persons to renew thair former wicked lyfe, and they ar lying at await to breake loose upon the first hearing of trouble; so that yf they be not at home to suppresse and hold downe thair wicked hopes and resolutions, they cannot be answerable for the peace of the countrey; whereas yf they be allowed be the saids Lords to byd at home they ar in good hop to retane and hald thair haill bounds uuder obedience, wherof they have thought meit to mak the said Lords acquainted" (*Ib.*). Distracted as the Council was by other weighty matters, it granted the desired dispensation in all these cases, though "for this diet only." Presuming doubtless, on the continued distractions of the Government, the Island chiefs did not take the trouble to request a dispensation in the following year, and failed to appear on the appointed 10th of July. As this might have been a dangerous precedent, the Council, on August 8, 1639, addressed to them a sharp reminder of their obligation. Sir Donald Gorm of Sleat and others, it wrote, have "upon some privat respects of thair owne, and without warrant frome his Majesteis Counsell, neglected thair compeirance this yeere, and thereby hes givin verie evill example

to the rest of the Ylanders to breake louse and to renew thair former disorders within the Yles, quhilks by his Majesteis prudent governement wer suppressed; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the Ylanders particularlie abonewrittin to compeir personallie before the Lords of Privie Counsell upon the 7 day of November nixt to answer upon thair proud neglect of the dyet of thair compeirance this yeire and to underly suche order as sall be tane thereanent, under the pane of rebellion" (p. 125).

The Highlands.

In the preceding volume of the Register we saw that the Council had taken drastic measures for suppressing the wide-spread disorder in the Highlands, mainly due to two causes—the feuds that followed on the Burning of Frendraught, and the dispersion of the outlawed Clan Gregor throughout the Highland country. The means adopted for the desired end were the appointment of two Commissions—one for trying such Highland outlaws as were taken, and another for the trial of the resetters of outlaws, and a series of ordinances that were meant to strike at the root of all the mischief. The entries in the present volume relating to the Highlands prove that the Council, in spite of its other cares, did not neglect this part of its duties; and prove, also, that its measures did not take immediate effect. Let us follow the various entries relating to the Highlands, as only thus can we understand the state of things with which the Council had to deal.

The Clan Gregor—John Dow Gair Macgregor.

Among the Clan Gregor there were two desperadoes who had made themselves specially notorious by their exploits—Patrick Macgregor, known as Gilderoy, and John Dow Gair Macgregor. On March 31, 1636, Gilderoy had been caught by Lord Lorn, afterwards the Marquis of Argyle, and he and ten of his band had been executed in Edinburgh on July 26. According to a contemporary account other than the Register, John Dow Gair had also been taken in the following September; but in 1638 we still find him at large, with a price of £1000 on his head, and £100 or £200 on those of any of his following. Of the methods of the band we have two notable specimens. On the 26th of July, 1638, one Alaster Grassich was proceeding peacefully

along the highway when he was [illegible]
land. John Ferreis [illegible]
ensued in which the [illegible]
was now the object of the [illegible]
was their pursuit of [illegible]
leaving the country [illegible]
case to the Council [illegible]
The reward was granted [illegible]
after to goe on with the [illegible]
against such [illegible]
actually left the country [illegible]
Council is not recorded [illegible]
teristic example of the [illegible]
Sir William Forbes [illegible]
his activity in [illegible]
with the result [illegible]
and deadlie feud [illegible]
friends and followers [illegible]
Thomas Forbes [illegible]
George Forbes [illegible]
apprehending [illegible]
having occasion [illegible]
were left unprotected [illegible]
his revenge [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
William Forbes [illegible]
[illegible]
[illegible]

ne Laird of
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and other friends of Forbes would advance the required £1000, they would be recouped from the fines on the resetters of Gair and his band (pp. 57, 58).——But the performances of the Clan Gregor were occasionally on a larger scale, as the following incident shows. The details of the affair appear in a "complaint" lodged with the Council by Sir Alexander Menzies of Weem. "The oppressions and barbarities," Sir Alexander wrote, "committed be the Clan Gregor aganis his Majesteis good subjects and the compleaner and his tennents in speciall these manie yeirs bygane" were not unknown to the Council. Of late, however, he continues, the clan, owing (be it noted) to the "late troubles" in the Government, had again resumed its evil practices. During the last fortnight he had received an "imperious charge" from Patrick Murray, who in defiance of the law had assumed the banned name of Macgregor, to evacuate certain lands in Rannoch which lawfully belonged to him. He had paid no heed to this order, with the result that Murray with forty or fifty of the Clan Gregor had forcibly seized the lands in question, and was now busy "uplifting his rents and sorning upon and oppressing his tenants." Here again we have to note the helplessness of the Council to give immediate effect to the law. It summoned Murray and a number of witnesses, but neither Murray nor witnesses appeared on the appointed day, and, as its only means of chastisement, it put the offending parties to the horn (pp. 177, 178).——The difficulty of bringing the desperate clan to justice was that they were everywhere "resetted" by persons who, either out of terror or from advantage to themselves, supplied them with means of subsistence and screened them from the officials of the law. Heavy penalties were imposed on these resetters, but to inform on them was to evoke the hostility of the clan, which took speedy means of wreaking its vengeance. A "supplication" from James, Earl of Murray, the president of the Commission specially appointed to deal with the Macgregors and their resetters, illustrates the difficulty of enforcing the law in the case of the latter. The Commission, he wrote, had imposed fines on certain resetters, but these fines "can hardlie be uplifted without the assistance of numbers of men." "But, whereas," he

continues, "there is a captain and threescore men putt furth by commission flowing from the Parliament for pursuit of broken men and sorners and their resetters," he craves that the captain may be warranted to support the messenger charged with the duty of exacting the fines. The supplication was granted, of course; but in the Highland country, where every facility was offered for escape from the law, not even a body of sixty men was capable of enforcing it.

The Laird of Glengarry.

The Macgregors were the most persistent and most formidable breakers of the law, but other clans were not far behind them in outrageous defiance of authority. Here, for example, is what we learn of a daring deed by certain of the Clan Glengarry from a supplication presented to the Council. On a Sabbath day in 1641, some forty of that clan broke into the town of Inverness and slew two of the Clan Macintosh against whom they had a feud. Summoned to appear before a court of law on an appointed day, not one of the band presented himself, and all were put to the horn. Now under sentence of outlawry, they disposed of their means, took to the hills, and organized themselves into a predatory troop with a chosen leader. The Council had one weapon in its hands which it could use with some effect: by an often confirmed law each Highland chief was held responsible for the good behaviour of his clan. Opportunely the Chief of Glengarry chanced to be now in Edinburgh and the supplicants suggested that he should be committed to ward and kept there till the offending members of his clan were brought to justice. But it turned out that Glengarry was "near ane hundreth yeares of age," and could not on grounds of humanity be subjected to such treatment. A satisfactory substitute for him, however, was found in his grandson, Angus M'Donald, who was accordingly placed in the Castle of Edinburgh till such time as he should find caution for the trial of the outlaws (pp. 173, 174).

Commission of Justiciary appointed for the Highlands.

The most important measure of the Council for the maintenance of law in the Highlands was the appointment of a Commission of Justiciary on December 3, 1641. The proposal for such a Commission had been submitted to the Estates in

November of that year, and they had enacted "that whatsoever the Council shall conclude and enact therein shall have the authority, force, and validity of an Act of Parliament" (Acts of the Parliament of Scotland, v. 416). In accordance with this sanction the Council drafted an Act (December 3, 1641) defining the powers and constitution of the Commission. In the ten northern sheriffdoms, where lawlessness was most prevalent, a certain number of persons were to be appointed as a Commission to hold Courts of Justiciary twice every year. They were to have powers to summon and try all persons guilty of breaches of the law as also their resetters, and powers, moreover, to exact caution from all suspected persons for the keeping of the peace. To give effect to the Commission a force of 120 men was to be at their disposal, commanded by a captain who was to be of their own choice. This force was to be maintained by the fines exacted by the different courts, and, should these prove insufficient, a sum not exceeding £1000 would be contributed from the Exchequer. Finally, all the lieges in the districts where the courts were held were charged at their peril to give them their support by word and deed (pp. 164–170).——Even this formidable engine, it would appear, did not avail to "tame the wild Highlandman." The armed band of 120 men, distributed as they were over the different unruly districts, were unequal to enforce the sentences of the courts, and again and again the Council had to issue orders to the lieges to give their aid in the execution of the law. A proclamation of the 30th June, 1642, seven months after the appointment of the Commission of Justiciary, further illustrates the difficulties with which the Commission had to contend. From this proclamation we learn that there were now two captains charged with the duty of "imbringing and pursute of thieves," but its point is that, contrary to the law, powder and lead are freely sold in the Highlands by chapmen and others, and that outlaws are thus put on equal terms with the officers of justice. Doubtless, however, it was in vain that the Council now proclaimed that henceforward powder and lead should only be sold to "noblemen, landit gentlemen, and other persons haveing thair warrand" (pp. 286, 287).

The Borders. The Borders, the other "peccant" part of the kingdom, though more accessible to the arm of the law than the Highlands, still demanded the constant vigilance of the Council. In the last volume of the Register we found that it had taken vigorous measures to remedy the lawlessness in these districts which had steadily increased since the beginning of Charles's reign. On February 24, 1635, it had revived the Conjunct Commission of the Middle Shires which had been found so effective in the reign of James VI., and this Commission had drawn up a series of ordinances expressly intended to check the kind of crimes that had always been prevalent in the Border country. On the 14th March, 1637, it had presented to the Council a list of the various criminals on whom it had passed judgment, of whom about thirty had been executed, twenty banished, five burnt in the hand, and five fined for resetting of fugitives. Five years elapse and we find the Borders in apparently as hopeless a condition as ever. On November 29, 1642, the heritors and ministers of these parts gave in a long list of outlaws guilty of "depredations, thifts, stouthreaffes, and other nefarious facts," for which they had not been brought to justice (pp. 251, 353). On this disquieting report a Commission was given to Argyle, Lauderdale and three other Councillors together with the Sheriff of Teviotdale, to consult with the noblemen and gentlemen of the Borders "on the best wayes and overtures how the peace of the Borders may be preserved" (p. 346). As the result of the consultation, it was reported that the main cause of all the mischief was the "want of joynt Commissions of Justitiarie to persons of qualitie in both kingdomes" (p. 351), and in accordance with this finding the Council ordained that Justice Courts should be held at Jedburgh and Dumfries on the 1st and 15th of February, 1642, respectively. At these courts "the haill noblemen of the South Borders" were charged to be present, and "to assist in everie thing that may tend to the strenthning of his Majesteis auctoritie" (*Ib.*). The powers given to the Commission of Justiciary were such as to suggest that it had to deal with a country in rebellion. If necessary, they were "to convocat his Majesteis lieges in armes,

and to pas, searche, seeke, and take the persons fugitives and delinquents"; if the criminals took refuge in strongholds, they were "to assiege the said strenths and houssis, raise fire and use all kynd of force and warlyke engine" to effect their capture; and, finally, should any of the fugitives from the law be wounded or slain, no responsibility should rest on any member of the Commission (p. 353). As a commentary on the efficacy of this Commission, it has to be noted that a body with similar powers had to be reappointed in the beginning of the following year (pp. 369, 370).

Plague in the East Borders.

On the East Border another matter occupied for a time the attention of the Council. In May, 1637, a plague had broken out in certain towns in that district, but by the energetic measures taken for its suppression it had been stamped out in the course of the year. In the beginning of 1638, however, there was a recrudescence of the pestilence at Jedburgh and the neighbouring Crailing Hall, which had received the infection from the North of England. Two Commissions were at once appointed, one for preventing all communication between the two countries at the points of danger, and the other for dealing with the enemy in the stricken places. The preventive measures taken in the previous year were again put in force; markets and fairs and all trade with the rest of the country were prohibited; persons under suspicion of infection were housed apart, and in the case of the poor provision was made for their maintenance (pp. 1, 2, 14, 455). Whether these precautions were effective or not, is not recorded.

Trade and Manufactures.

In connection with the trade of the country the most interesting entry in the Register is one that records the appointment of a Commission "for directing, cherishing and mainteaning of manufactoreis" (pp. 391, 392). In the reign of James VI. several Acts of Parliament had been passed with the object of encouraging the establishment of manufactories throughout the country, but none of them had been attended by any important result. But, as the 17th century proceeded, the necessity of such means for encouraging trade was increasingly realized. In other countries, and notably in England, manu-

factories were rapidly displacing the individual worker in response to the demand for swifter and larger production. If Scotland were to hold her own with other nations, therefore, it was imperative that she should follow their example. On the 16th November, 1641, the Estates passed an Act empowering the Privy Council to appoint a Commission to consider the ways and means of establishing "manufactoreis of all sorts" for the good of the country. The reasons given by the Estates for the passing of the Act were in perfect accordance with the economical creed of the time. Manufactories, it was urged, would be the means of keeping native money at home and of bringing foreign money in; and they would provide work for the poor, lessen mendicancy, and increase the stock of national virtue. The powers to be given to the Commission were sufficiently extensive. They were to erect Houses of Correction in such parts of the country as seemed best fitted for the establishment of manufactories; they were to enforce beggars to work in them at reasonable rates; they were to have power to create corporations and to grant them such privileges as were consistent with the laws of the kingdom, and the alluring offer was to be made that all foreign commodities requisite for the carrying on of any manufacture were to be admitted free of custom for a period of fifteen years (Acts of Parliament of Scotland, V. 411, 412). It was in accordance with this injunction from the Estates that the Council appointed a Commission consisting of certain of its most eminent members, of a number of country gentlemen and of burgesses from the most important towns (pp. 391, 392).

Prices of Commodities.

The proposal to establish manufactories was a step forward in the development of trade, but other Acts of the Council show that the mediæval economy still dominated the national mind. It was a fixed idea of the Middle Ages that the prices of commodities should be determined by authority, and from its beginning the Council (though not without protest on the part of the towns) had claimed this privilege. Of the exercise of this privilege we find several examples in the present volume. Under date January 18, 1642, we have the following curious entry:

"The Lords recommends to the provest of Edinburgh to represent to the toun counsell the great abuses committed within thair toun in exorbitant prices sett upon commoditeis and exacted frome the lieges attending upon the Counsell, Session and others judicatoreis, and to see the same redressed" (p. 183). On another occasion the Edinburgh magistrates received a more sweeping and peremptory order; they were requested "to take special notice of the pryces of wyne, ail, bread, flesh, wyld foul, butter, candle, cheese, shoone, boots, chamber mailles, and all other commoditeis that are sauld within thair toun, and of the exorbitancie thairof," and they were commanded "to thinke upon the best wayes of remedieing the same in tyme comeing" (p. 229).——A proclamation regarding the price of wine shows what a high misdemeanour it was considered for dealers to fix the prices of their commodities. "Forsomuche as," runs the preamble of this proclamation, "the arbitrarie and unlimited libertie usurped be merchants, sellers and ventners of wyne in setting doune and exacting the pryces of thair wynes hes beene verie prejudiciall heirtofore to his Majesteis lieges, and is lyke to be of dangerous consequence and disgraceful to his Majesteis government in tyme coming if the pryces of wynes be not regulated and moderated be order of justice"; and the proclamation proceeds to determine the rates at which French and Spanish wines are to be sold in future and to specify the penalties of any breach of its ordinance (pp. 253, 254).——So in the case of shoes we find the Council giving a commission "to the Lord Burlie, the Lairds of Cambo and Wauchtoun and Provest of Edinburgh to meit the morne at 9 houres to consult upon the best wayes for settling the prices" of these commodities (p. 340). But the most remarkable illustration of the accepted principle that customers must not be left to the mercy of dealers is to be found in the case of coal. At the instance of the magistrates of Edinburgh, Haddington, Musselburgh, and the inhabitants of East and Mid Lothian, a summons was issued to the owners of coal-fields in these shires to appear before the Council. The grounds on which the summons had been demanded were the following: various Acts of Parliament were

passed for preventing the scarcity of coal "without which the complainers cannot live"; but certain tacksmen of coal heughs "out of an avaricious disposition" have of late been contravening these Acts; instead of considering the interests of the lieges at home they have been selling their coal at high prices to foreigners, and, entirely with a view to their own interests, they have been digging the coal at such a rate that in a short time none will be left for his Majesty's subjects. The Council had no doubt on which side law and justice lay, and the rapacious coal-owners and tacksmen were summoned to receive the warning that henceforth they must dispose of their commodity at home (p. 579).

Monoply in Tobacco Pipes.

The peculiarity in the commercial conditions of the time was the conflict between the economical principles which had come down from the Middle Ages, and the new principles which were gradually making way in Scotland as in other countries. Of this conflict we have an interesting illustration in the case of a monopoly for the manufacture of tobacco pipes. This monopoly had been granted to a certain Mr. Banks, who discovered, however, that other persons were making these articles, and specially one Richard Calder in the Canongate, Edinburgh. For the protection of his interests Banks had procured an injunction from the Council, charging the baillies of the Canongate to assist him in searching for pipes made by others than himself. The baillies replied that it would be an illegality to obey the injunction, as the late Parliament had expressly prohibited the granting of monopolies "for the benefit of particular persons." Moreover, on the strength of this Act two Edinburgh merchants, Gilbert Fraser and Robert Tait, had erected works for the manufacture of pipes, and had secured the services of Richard Calder for carrying them on. In his presumption, however, and in defiance of the law, Banks had already destroyed "a great number" of the pipes made by Calder, and the lieges were thus forced to buy their pipes at whatever price he chose to put on them. The protest of the Canongate baillies placed the Council in a dilemma which it could only elude by a compromise. It insisted on the present operation of the monopoly, but referred the final settle-

ment of the question to the next meeting of the Estates (pp. 324, 325).

The Importing of Victual.

Another illustration of the conflict of economical principles is found in a "complaint" presented to the Council by three persons—Jacob Dickinson, Esay Newton, and George Gray. The first two had brought to Dysart a ship laden with victual from England, and on three successive market-days they had sold part of their cargo to the burgesses of the town, disposing of the remainder to Gray, also a burgess. The baillies of the burgh now intervened; they forbade the sale of the victual to Gray, took possession of the victual and the ship, and fined and imprisoned Dickinson. The contention of the complainers was that their proceedings had been in strict accordance with an Act of James VI., which provided that "strangers importers" should be at liberty to dispose of their goods in any part of the kingdom without molestation. On this point, however, the decision of the Council is not recorded, but the baillies were ordered to refund the fine (pp. 435, 436).

The Coinage.

As in the case of every volume of the Register, we have the usual legislation regarding the currency. What was now plaguing the country was the superabundance of copper coin, and especially of the turner (value two pennies Scots), which was both a home and a foreign piece. "After grave advice and deliberation," they themselves say (but, as it proved, with undue precipitation), the Lords of Council peremptorily prohibited the circulation both of the home and the foreign turners (p. 139). Five days after this announcement the magistrates of Edinburgh appeared before them and represented that the prohibition of the home turners would be ruinous to the poor, in whose hands these coins were chiefly to be found. The Council accordingly recalled its embargo on the home turners, but reiterated its prohibition on the strangers—a futile order, as past experience had painfully shown. What is singular is, that in spite of the alleged mischief occasioned by the circulation of turners, both native and foreign, the Council shortly afterwards gave order that 1500 stones of copper should be coined into these same pieces. The preamble to this Act explains the reasons for this

order, and at the same time throws an interesting light on the state of the currency at the period. "Forsameikle," the preamble runs, "as these diverse yeeres bygone this countrey hes susteaned great hurt and prejudice by the huge quantitie of the base and copper money coyned and brought in within the same, whiche being in weight farre within the intrinsek value of the copper, gave occasion to avaritious spirits to hazard upon the counterfooting thairof, and so to fill the haill countrey with the same, till the evill come to that height that the course thairof dois altogidder cease, to the undoing of these poore who live upon almes and pennie worthes" (pp. 205, 206).——In the case of the silver coin the difficulty arose not from its abundance, but from its scarcity. In July, 1636, the Council had given orders for the coinage of a certain number of half-mark, 20 and 40 pennie pieces; but these had been gradually carried out of the country, with the result that few were left for trade at home. To supply the place of these coins, therefore, the Council now ordered the issue of 2 and 3 shilling pieces, each to be distinguished by a special stamp and inscription (pp. 231, 232).

Post between Edinburgh and Portpatrick.

The necessity of more rapid communication with Ireland was forced upon the Council by the presence of the Scottish army in that country. In February, 1642, therefore, it appointed a Committee to consider the best means of establishing posts between Edinburgh and Portpatrick and between Portpatrick and Carlisle (p. 202); and, as the result of the Committee's report, it made the following arrangements: Post stages were to be established at Blackburn, Hamilton, Newmilns, Ayr, Girvan, Ballantrae, and Portpatrick; each post-master was to receive £50 sterling *per annum*, and half a year's fee was to be advanced to him on condition that he found caution to provide three "sufficient and able" post-horses (p. 228). In the case of the connection between Portpatrick and Carlisle, the order of the Council also took effect—the stages being Portpatrick, Glenluce, the Pethous, Gatehouse of Fleet, Urr, Dumfries, Annan, and Carlisle (p. 327).

Petitions for Charitable Assistance.

A recognised duty of the Council was to make appeal to the generosity of the lieges in any case of public or private necessity,

and petitions for such appeals were never infrequent. In the present volume, for example, we have petitions from the inhabitants of Monifieth and Portmoak for the repair of bridges in those parishes—the plea in such cases being that it was in the interest of all the lieges that bridges should be made secure for the safety of man and beast (pp. 265, 303). Unfailing applications of the same nature were those from "prisoners with the Turks," of which there are no fewer than three in the present volume (pp. 350, 440). But the most curious petition of the kind is one that came from John M'Lellan, indweller at Portpatrick. Here is the plea which M'Lellan urges for an appeal to the nation's charity: he had built and repaired, he says, "ane great large inns at Portpatric for receaving his Majesteis lieges resorting to and fra Ireland wherein he would receave three score hors and foot at once, and having furnished the same with wynes and all other kynd of furniture, on a night, he being absent frome home, the samine took fire, and being a violent storme of wind, burnt up his saids inns, haill furniture, provision and plenishing to his utter ruine and overthrow." But this was not all his misfortune; with borrowed money he rebuilt his inn, trusting to enjoy the same custom as formerly, but then came the "late troubles" in Church and State, and there was "no repaire nor change there, whereby he is altogether impoverished and not able to pay his debts without helpe and support." Moved by this touching appeal, supported by a "testificate" from the neighbouring ministry and gentry, the Lords recommended his case to the laity and clergy to the north of the Forth, with the request that they would spare "such a proportion of their benevolence as in their christiane judgements they shall think fitting"—the recommendation to endure for the space of a year (p. 279).

The Burghs. In connection with the burghs there is nothing in the present volume of special interest or importance. In Dundee there had begun a prolonged quarrel between the magistrates and John, Viscount Dudhope, regarding the rights of the latter in connection with the Lammas Fair, and at Aberdeen there was a similar dispute in the case of the Bartell and Laurence Fairs; but the

details of both controversies are of merely local interest. Regarding the parish of Glenluce there is an entry which would appear to assign to it a remarkable pre-eminence in wickedness. By some zealous persons the character of that parish had been brought to the attention of the Council, which was so much moved by the report that it charged his Majesty's justices in the neighbourhood to take its chastisement in hand. In the execution of their charge they were instructed to put in force the following Acts of Parliament: "Anent the crime of fornication, anent drunkards and swearers of abominable oaths, anent them that perturbs the kirk in time of Divine service, anent them that knows themselves under the processe of excommunication, discharging of mercats and labouring on Sunday, playing and drinking in time of sermon, that householders have bibles and psalme-bookes, for punishing of strong and idle beggars and reliefe of the poore and impotent within the bounds of the said parish." The commission given to the justices was to last for a year, and it was to have powers to "hold courts, summon assizes and witnesses under the penalty of 20s, and to apply the fines and proceeds of the courts for the relief of the poor of the said parish" (p. 357).

Riot in Stoneykirk Church.

Both before and after the Reformation churches and churchyards had always been the frequent scenes of riot and disorder, and in every volume of the Register we find the record of some more or less serious affairs of the kind. The most noteworthy mentioned in the present volume was in connection with the Church of Stoneykirk in Wigtownshire, and, as presenting a picture of the time, it is worthy of attention. The story is told in a "complaint" lodged with the Council on September 23, 1642, by Mr. James Bonar, minister at Maybole. The Presbytery of Stranraer had suspended Mr. Gilbert Power, minister of Stoneykirk, but the General Assembly found the proceeding of the Presbytery "unwarrantable," and ordered Power to be reponed. To intimate its judgment to the congregation the Assembly gave a commission to Mr. Bonar, who, accompanied by several other ministers, presented himself in the church on the appointed day. In the church they found a crowd of persons assembled from the

adjoining parishes, armed with cudgels and "with heaps of stones." Bonar had no sooner begun the service than the riot began; the cudgels were beaten on the desks and shouts arose that Bonar and his brethren were "soul murtherers who had not the spirit." Bonar then showed his commission from the Assembly, "thinking that they would possiblie have given some respect thereunto," but this only evoked new cries that "the true kirk had deposed Mr. Gilbert Power and the false kirk had repouned him least their knaverie sould lykewayes be discovered." When the sheriff, who was present in his legal capacity, endeavoured to obtain silence, he was only met by "manie contumatious reproaches." As it was found impossible to proceed with the service, Bonar and his attendant brethren proceeded to a neighbouring field, where with "the honest people of the parish" they hoped to be left unmolested. Thither, however, they were followed by the excited crowd, and pelted with peats—one of their number being assaulted to "the effusion of his blood." Next morning Bonar and his friends were informed that, if any report were made of the previous day's proceedings, there "were five or six fellowes" ready to take Power's life and make their escape to Ireland. On the following Sunday the same crowd assembled, prepared to settle accounts with Bonar if he should again put in an appearance. But Bonar and his friends were not disposed to renew their former experience, and prudently referred the dispute to the adjudication of the Council which promptly summoned the ringleaders of the riot to its bar. Only six persons presented themselves on the appointed day, but on the evidence being taken, several of the absentees, the majority of whom were women, were ordered, under the penalty of horning, to enter ward within the Tolbooth of Edinburgh before the expiry of fifteen days. As for the defenders who had appeared, they were enjoined to find caution in £1000 that they would do their utmost to repone Power in his charge (pp. 322, 324).

Levies for Foreign Service.

Almost every year from the accession of Charles there had been more or less extensive levies of Scots for military service on the Continent, and in spite of the troubles at home we find no

fewer than five such levies in the period before us, and all of them destined for service under the King of France. If the warrants for these levies took full effect, 8000 men in all were raised—a number which naturally raises the question how such a force could be raised in Scotland, and specially at a time when fighting men were urgently needed for battles at home. The answer to the question is found in a warrant by the Council for the raising of one of these levies—a body of 4500 men to be commanded by James, Earl of Irvine; "therefore," runs this warrant, "the saids Lords be thir presents gives warrant to all sheriffs, stewarts, bailleis of regaliteis and thair deputs, provests and bailleis of burrowes and others his Majesteis officers and ministers of his lawes to burgh and land to take and apprehend all such ydle persons and vagabounds as sall be given up to be of that qualitie be the ministers and kirk sessions and magistrates of burrowes within their severall jurisdictions" (p. 330). Such a warrant, it is evident, might easily lead to the impressment of persons who could not fairly be classed under the heads of "ydle persons and vagabonds," and the Council must have been reminded of this, as it subsequently issued a strict order that none but the parties above specified should be allowed to denote such as were liable for compulsory service (p. 417).. A supplication by one John Robertson, cutler in Edinburgh, shows with what little scruple the recruiting officers went about their business. A servitor of Robertson, Thomas Johnstone by name, was apprehended by one of these officers and lodged in the Edinburgh Tolbooth prior to his being shipped to France. Johnstone, it was represented, had received no pay, was his Majesty's "good subject," and was the feed servant of the supplicant, who could find no one to fill his place. The result of the supplication was the summons of the zealous officer and of the baillies of the Canongate who had abetted him, though whether Johnstone was liberated or not is not recorded (p. 586).

Privileges of the Scots in France.

An interesting item in the present volume is a serious attempt made by the Council to procure the restoration of the ancient privileges of the Scots in France. By the terms of the original

Franco-Scottish alliance every Scot was a naturalized citizen of France, and every Frenchman a naturalized citizen of Scotland. There had been no formal annulment of this mutual arrangement, but as the inevitable result of the change of religion in Scotland and her union with England the former relations of the two allies had in effect ceased to exist. For purposes of trade, however, the ancient compact was still highly desirable in the interests of Scotland, and it was from a sense of these interests that the Council now sought to renew it. In a letter to Charles the Council informed him that the infringement of their former privileges in France had been attended with "sufferings and losses" to his Scottish subjects, and requested his sanction for an attempt to recover them. Charles's reply was a warrant to the Council to appoint suitable persons to proceed to France and negotiate the desired result (p. 332). A committee having been appointed to forward the business, the Earl of Lothian was delegated as envoy—£2000 being allotted to cover his expenses (p. 336, 346, 356). In his letter of instructions (dated December 1, 1642) Lothian was directed to address himself specially to four persons—the French King (Louis XIII.), the Dauphin (afterwards Louis XIV.), the Queen, and Cardinal Richelieu, who died before Lothian's arrival. The principal object of his mission was "by all faire wayes" to have the ancient privileges restored, and to secure that no edict by France against foreigners should apply to Scots, inasmuch as they were "naturalized Frenshmen." He was further to strive that the Scottish *gens d'armes* in France and the *garde de corps* should be restored to their "primitive institution." Finally, as an inducement to the French King to lend a favourable ear to these demands, Scotland was to be open to him as a levying-ground for whatever troops he might require—the Council pledging itself to lend its "best assistance" to his agents (pp. 571–2). The result of Lothian's mission does not appear in the present volume.——Apart from his special errand, Lothian was further charged with a request which the Council could hardly have regarded seriously—the restoration of the Duchy of Châtelherault to the family of Hamilton. Originally granted to

the Regent Arran as a compensation for his demission of the Regency in favour of Mary of Lorraine, the Duchy had been resumed by France on his death, and had never since been recovered. Doubtless it was at the request of the Marquis of Hamilton that Lothian was charged with such a futile demand.

Action against Papists.

The uprising which had produced the National Covenant had been largely inspired by the dread that Charles's ecclesiastical policy must result in the restoration of Catholicism. When the Covenanting party found itself in the ascendency, therefore, it was to be expected that it would do its utmost to stamp out the dreaded pest wherever it was found in the country. The majority of the Council was in entire sympathy with this policy, and accordingly we find it on July 5, 1642, taking vigorous measures for the extirpation of Papists (pp. 288–296). There was no need to forge new weapons for this object, as the laws which had been passed against Catholics since the Reformation supplied all the necessary means for dealing with the enemy. All that the Council had to do, therefore, was to issue proclamations enforcing former Acts, and to appoint a Commission for the apprehension and trial of Catholics in every quarter of the kingdom.

Case of Captain Robertson against Hamburg.

A dispute of long standing with the city of Hamburg, which has been frequently before us in previous volumes of the Register, appears to have at last been finally made up. The origin of the quarrel had been the capture of a Scottish vessel, commanded by Captain Robertson, and the slaughter of certain of its crew, by two Hamburghers, commanded respectively by Captains Long and Utenhold. Letters of reprisal were granted, first to Robertson and afterwards to his heirs, with the result that the authorities of Hamburg appealed to Charles for their recall. The letters were recalled, but on the condition that full compensation should be made to Robertson's heirs. So dilatory were the Hamburg authorities in making the compensation, however, that application was made to the Council for the renewal of letters of reprisal, and the letters were granted in due form (p. 263). This was on May 31, 1642, and the letters were apparently used to such good purpose that a special envoy was

sent from Hamburg to beg for their recall (October 1, 1642). The reply of the Council was that it could not recall the letters as they had been granted by his Majesty and the Estates, but that a respite of six months would be allowed on condition that compensation should be made by the expiry of that period (p. 331). The next entry relating to the affair is a Latin letter from Hamburg (March 30, 1643), to which the only answer of the Council was that the six months' respite closed on the following day (p. 420). At length the magistrates of Hamburg appear to have been convinced that their better part was to meet the claims of the injured parties; and by an agreement, dated June 13, 1643, they bound themselves to pay by the following Michaelmas the sum of £15,000 sterling—the indemnity claimed by the representatives of Robertson (pp. 646–648).

Runaway Hired Servants.

A curious commentary on the conditions of labour is found in an entry relating to "cotters, laboureing men and hired servants." A common custom of these persons, pledged to service from term to term, was to break their bond and take ship for some foreign country. So common was this custom apparently that the Council considered it necessary to pass an Act with a view to preventing it. Any person deserting his service between terms was to indemnify his employer by the payment of £40 Scots; to stop runaway servants from crossing the seas, every skipper was to demand a certificate from a sheriff or a minister that his intending passenger could legally leave the country (p. 392).——Another entry draws attention to "a verie great abuse" with which the Council had more than once had to deal. There existed, it appears, a "society" or "brotherhood" of the servants of the nobles and gentry—pages, footmen, lacqueys, and coachmen—whose headquarters was Edinburgh, but which had branches in all parts of the country. Every boy who took service in the household of any nobleman or gentleman was expected to join the brotherhood—an entrance fee being exacted "to be spent in drinking, ryot and excesse." If any lad refused to join the society, he was subjected to such maltreatment that his life was made miserable, not even the presence of his master protecting him from persecution. At a former time

"Brotherhood" of Lacqueys.

the practices of the brotherhood had been suppressed by law, but they had lately been revived to such an extent as to occasion open riots in the streets of Edinburgh. As the custodier of the peace, therefore, the Council issued a proclamation prohibiting all such practices in future, and entreating the brotherhood to "conteane themeselves in quyetnes as becometh good and mannerlie boyes, lakeyes, pages and coachmen" (p. 135).

I have again to thank the Rev. Henry Paton, M.A., for his valuable assistance in the preparation of this volume.

P. HUME BROWN.

REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

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THE PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

Acta, May 1636-November 1639.

[No record of Sederunt.]

Edinburgh, 6th January 1638.

Fol. 244, b.

Charge to the Earl of Roxburgh and others anent the plague which has broken out in Jedburgh and Crailinghall.

"Forsamekle as the time of the late infection of the plague within the bounds of the Middleshires order wes givin to the shireffs of the shires, justices of peace and provests and bailleis of burrowes within the saids bounds for ordering commerce and trade within these parts, according to the instructions sett doun in the acts and proclamations published to this effect, as alsua the mercats at Dunce, Kelso, Selkirk, Jedburgh, Melros, Hawick, Melros [*sic*], Caldstreame, and others places on this side wer discharged and direction givin to the saids shireffs and others foresaids for keeping of thair bounds free of the said contagion;

Fol. 245, a.

and the Lords of Privie Counsell, being now informed that this contagion is, at the pleasure of God, brokin out in Jedburgh and Craillinghall within the Middleshires within this kingdome, quhilk may prove dangerous to the countrie if diligence be not tane for preventing the forder spreading of this infection, and the saids Lords reposing speciall trust in the commissioners, who this last yeere did successfullie governe and rule the saids bounds the time of the last infection, thairfoir the saids Lords hes givin and grantit and be the tennor heirof gives and grants full power and commission, expresse bidding and charge to Robert, Erle of Roxburgh, Lord Privie Seale, Williame, Erle of Lothiane, Johne, Lord Cranstoun, and Sir William Dowglas of Cavers, shireff of Roxburgh, and to suche others persons as they sall assume and associat to thameselves, to see that the acts and proclamations made the last yeere in this behalfe

be preciselie observed in all points; with full power to thame to prescrive suche others orders and rules anent the forme and maner of commerce and trade or anent the discharging of the same *simpliciter*, and of all mercats and faires within the saids bounds and anent the interteanement of suche poore people as sall be closed up upon suspicion of the said infection and tuicheing the strait keeping of the persons infected apart be thameselves as they sall find necessarie and expedient; and ordains letters to be direct to make publication heirof at all places neidfull, and to command and charge all and sindrie his Majesteis subjects quhatsomever whome these presents doe or may concerne to reverence and obey the saids commissioners in all and everie one of thair injunctions and directions, under all highest pane and charge that after may follow; and in speciall to command and charge all persons suspect of the said contagion to addresse thameselves to the places to be assigned to thame and not to transcend the same till they be orderlie releeved, under the pane of death, certifeing thame that failleis that the pane of death sall be execute upon thame without favour." Acta, May 1636-November 1639. Fol. 245, a.

Edinburgh, 19th January 1638.

John Hamilton and James Hamilton appointed justices of the peace.

"The quhilk day John Hamiltoun, fear of Kinglas, wes addit to the justices of peace within the shirefdome of Lithgow, and James Hamilton in Crantoun wes addit to the justices of peace within the shirefdome of Edinburgh." Justices of Peace, November 1612–November 1639. Fol. 73, a.

Edinburgh, 4th February 1638.

Sederunt:—Chancellor; Bishop of Edinburgh; Bishop of Brechin; Clerk Register; Justice General; Deputy Treasurer; Advocate. Acta, May 1636-November 1639. Fol. 245, b.

Proclamation announcing that the Council and the Court of Session will meet at Stirling on the 6th of February 1638.

"Forsamekle as the King's Majestie, having upon diverse good respects and considerations by ane former act of the sevinth of December last removed his Majesteis judicatoreis of the Counsell and Session fra the burgh of Edinburgh to the burgh of Stirline, and that the first day of sitting of the Lords of Session at Stirline sall be upon the saxt day of Februar instant, yitt least anie opinion sould be interteanned of a forder delay, whereby his Majesteis lieges might anie longer suffer by the want of that judicatour, thairfoir his Majestie, by a new warrant and direction sent to the Lords of his Majesteis Privie Counsell, hes ordained that all the judges of the said judicatorie of the Session sall attend at Stirline the day foresaid, and that the ordinar meetings of his Majesteis Counsell sall be there frome that time forward, and that all persons and things necessar for the said judicatour of the Session be present and attend thair severall places and charges, and thairfoir the Lords of Secreit Counsell ordains ane herald to pas to the mercat croce of Edinburgh and there be opin proclamation to make intimation and publication heirof to all his Majesteis lieges and subjects wherethrow nane pretend ignorance of the same. Followes his Majesteis missive for warrant of the act abonewrittin:—CHARLES R.—Right reverend father in God and right trustie and weilbelovit counsellour, we greit yow weill.

Acta, May 1636-November 1639. Fol. 245, b. Fol. 246, a.

Whereas upon the signifeing of our pleasure to our Counsell latelie by our right trustie and right weilbelovit cousine and counsellour, the Earle of Roxburgh, for the determining on a place where the Session sould remane, it wes thought fitting that it sould sitt doune at Stirline the sixt of Februarie nixt, we approve of the order givin therein, and least anie opinion be interteanned of a further delay, whereby our lieges might anie way suffer by the want of that judicatorie, it is our pleasure that with all possible diligence yow require all the judges that they faile not to attend at the time appointed in the said place, and that yow keepe the ordinar meetings of Counsell there frome that time forward; for doing whairof or what ellis yow sall thinke expedient for the intimation of this our pleasure these sall be unto yow a sufficient warrant. We bid yow farewell. From our Court at Whitehall, the 28 of Januar, 1838."

Decreta, April 1635-February 1639. P. 412.

Sederunt:—Chancellor; Lord Elphinston; Clerk Register; Justice General; Deputy Treasurer. Stirling, 15th February 1638.

Supplication by James Crichton of Wester Adie and James Guthrie of Barnhill, as follows:—In accordance with a commission granted by their Lordships to them they had put Matthew Bigholme, sometime in Brigland, and Robert Bigholme, his son, to the trial of an assise for theft. The said Matthew has been convicted, upon his own confession, of stealing three sheep from William Miller of Aldie, and the said Robert "wes declared to be ane unlawfull and suspect person to be punished at the sight of the judges." The supplicants have done all they were empowered to do by the commission and crave further instructions as to the sentence they should pronounce, etc. The Lords direct them to pronounce sentence of banishment against the said Matthew, taking him judicially acted to depart from the kingdom and never to return, under pain of death; and to dismiss the said Robert on his finding caution to behave himself as a good and peaceable subject, under such a penalty as they should think good. Supplication by James Crichton of Wester Adie and James Guthrie of Barnhill for instructions anent the sentence of two thieves.

Acta, May 1636-November 1639. Fol. 246, a.

Sederunt:—Chancellor; Treasurer; Privy Seal; Clerk Register; Justice General; Deputy Treasurer. Stirling, 19th February 1638.

"The King's Majestie, out of his princelie care of mainteaning the trew religion alreadie profest and for beating doun of all superstition, having ordained a booke of commoun prayer to be compyled for the generall and universall use and edification of his Majesteis subjects within his ancient kingdome of Scotland, the same wes accordinglie done, in the forming quhairof his Majestie tooke great care and panes, so that nothing wes past therein but what wes seene and approvin be his Majestie before the same wes ather divulgat or printed, assuring all his loving subjects that not onelie his intention is but even this verie booke will be a readie meane to mainteane the trew religion alreadie profest, and beate Proclamation forbidding convocation of the lieges for the purpose of protesting against the Service-book.

out all superstition, of quhilk his Majestie in his owne time doeth not doubt but in a faire course to satisfie the judgement of his good subjects; but, having seene and considderit some petitions and declarations givin in to his Counsell aganis the said booke and late canons of the Kirk, finds his regall auctoritie muche injured thereby, both in the mater and in the cariage thairof, quhereby his Majestie conceaves these of his nobilitie, gentrie, barons, ministers and others who have keeped and assisted these meitings and convocations for contryving and forming of the saids petitions or who hes subscryved the same to deserve and to be lyable to his Majesteis high censure, both in thair persons and fortuns, as having conveened thameselves without ather his Majesteis consent or auctoritie; yitt, because his Majestie beleeves that what they have done heerin is out of ane preposterous zeale and not out of anie disloyaltie or disaffection to soveraintie, is graciouslie pleased in so far as concernes these meitings for consulting or subscryving of the saids petitions, or presenting the same to anie judge or judges within this kingdome to dispense therewith, and with what may be thair fault or error therein to all suche as upon signification or declaration of his Majesteis pleasure sall retire thame selves as becometh good and duetifull subjects. To whilk purpose his Majestie ordains letters to be direct to maissers or officers in that part charging thame to pas and make intimation heirof to all his Majesteis lieges and subjects be opin proclamation at all places neidfull, wherethrow nane pretend ignorance heirof, and therewithall in his Majesteis name and auctoritie to discharge all suche convocations and meitings in time comming under the pane of treason; as alsua to command, charge and inhibite all his Majesteis lieges and subjects that nane of thame presoome nor take upon hand to resort nor repaire to the burgh of Stirline nor to no other burgh where his Majesteis Counsell and Sessioun sitts till first they declare the caus of thair comming to his Majesteis Counsell and procure thair warrant to that effect; and forder to command and charge all and sindrie provests, bailleis and magistrats within burgh that they and everie ane of thame have a speciall care and regarde to see this his Majesteis will and pleasure reallie and duetifullie obeyed in all points, and that no violation thairof be suffered within thair bounds, under all highest pane, crime and offence that they may committ aganis his Majestie in that behalfe; as alsua to command and charge all and sindrie noblemen, barons, ministers and burgeses who ar not actuall indwellers within this burgh and ar not of the number of the Lords of Privie Counsell and Sessioun and members thairof, and ar alreadie within this burgh that they and everie ane of thame remove thameselves and depart and pas furth of the said burgh, and not returne agane without the warrant foresaid, within sax houres nixt after the publication heirof under the pane of treason. And as concerning anie petitions that heerafter sall be givin in to his Majestie upon this or anie other subject his Majestie is lykewayes pleased to declare that he will not shutt his eare therefra, so as nather the mater nor forme be prejudiciall to his Majesteis regall auctoritie."

Acts, May 1636–November 1639. Fol. 246, a.

Fol. 246, b.

Acta, May 1636-November 1639. Fol. 247, a.

Stirling, 20th February 1638.

Sederunt:—Chancellor; Treasurer; Privy Seal; Winton; Lord Angus; Lord Doune; Bishop of Galloway; Bishop of Brechin; Lord Elphinston; Lord Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate.

Approval of the above proclamation by the Council.

"The whilk day the Act abonewritten, being presentit to the Lords of Secreit Counsell and read in thair audience, they allowed and approved of the act, and in tokin thairof subscryved the same with thair hands.

James, Lord Doune, admitted to the Council.

"The whilk day the Lords of Secreit Counsell, according to ane warrant and direction in writt signed be the King's Majestie and this day presented to thame, receaved and admitted James, Lord of Downe,[1] to be one of the ordinar number of the Lords of his Majesteis Privie Counsell of this kingdome and to bruike and injoy all honnours, titles, digniteis, priviledges and prerogatives proper and dew to the said place. Lykeas the said Lord of Downe, being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin to him in preferring him to this high place of honnour and dignitie, he with all submissive reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counseller. Followes his Majesteis missive for warrant of the act abonewrittin:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Understanding perfectlie the abiliteis and affection to our service of James, Lord Doune, and for his better encouragement and enabling thereunto heerafter, being willing to promove him to be one of our Privie Counsell of that our kingdome, it is our pleasure that, having administred unto him the oath accustomed in the like caises, yow admitt him upon our said Counsell, receaving him as one of your number. For whiche these presents sall be your warrant. We bid yow farewell. Frome our Court at Whitehall, 6 February, 1638. Stilo Scottico."

Decreta, April 1635-February 1639. P. 410.

Stirling, 20th February 1638.

[Sederunt as recorded above.]

Complaint by Patrick Urquhart of Lethintie, justice of peace, against Patrick Meldrum in M'Terie for contempt of law.

Complaint by Patrick Urquhart of Lethintie, as follows:—On 16th September last John Cruikschanke in Swanfurd, John Gabriel in Blaikthrid, James Geill in Badichell and Patrick Gill, pickman at the Mill of M'Terie, complained heavily to him as a justice of peace in those parts of a number of oppressions committed upon them by Patrick Meldrum in M'Terie. By the duty of his office he went to the said Patrick Meldrum and inquired of him why he so oppressed the said poor tenants, when the said Patrick "proudlie answered he had warrant for what he did and would not be commanded with the said justice of peace nor no no man. He wes als honest a man as himselfe; and patt his hand to

[1] Afterwards third Earl of Moray. He succeeded to the title in 1638 and died in 1653. Though he remained a keen royalist, he took no public part in the struggle between Charles and his subjects.

his whinger, threatning the said Justice therwith." The complainer thereupon commanded the said Patrick to find caution for his compearance before the bench the first court day to answer upon his behaviour, and also for the indemnity of the said poor tenants, but he proudly refused, declaring that none had power to command him to find any such caution. The complainer thereupon commanded him to enter in ward within the tolbooth of Aberdene, and this order he obeyed, not from any respect to authority, but only that he might "find out some querrell for taking him without ane warrant and exhibition of him before the saids Lords upon the secund of November last, quhilk the said justice of peace performed to his great charges. But, the said Patrik being once set free, he not onelie mocked the said justice of peace but intends still to continew in his oppressions aganis the poore men." Charge having been given to the said Patrick, and the pursuer compearing by Mr William Forbes, advocate, but the defender not compearing, the Lords ordain the latter to be denounced his Majesty's rebel and escheated. Decreta, April 1635–February 1639. P. 410.

Complaint by John Cruikshank in Swanfuird and others against Thomas Scot at the kirk of Fyvie and others for theft and assault.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his Majesty's advocate, and John Cruikschanke in Swanfuird, Margaret Broun, his spouse, and Patrick Urquhart of Lethintie, heritable proprietor of the lands of Swanfurd, their master, for his interest, as follows:—Notwithstanding of the laws prohibiting the carrying of hagbuts and pistolets, on 14th July, 1635, Thomas Scot at the kirk of Fyvie, George Gordoun in Lethintie, James Scorjack and Patrick Meldrum in McTerie, John Wilson in Milbreack and George Wilsone, his brother, at the instigation of Andrew Meldrum of McTerie, all armed with swords, staves and other weapons, and the forbidden hagbuts and pistolets, came to the said lands of Swanfurd and took away four cows and ten oxen pertaining to the said John Cruikschank; and, when his wife "preast to stay thame, they cruellie hurt and woundit her, strake her to the ground and caried the oxin and ky over her belly, she being great with childe, quhairwith thereafter she parted to the hazard of her life." Further, upon April, 1636, the said John Wilson came by way of hamesucken to the complainer's dwelling house in Swanfurd and "cruellie strake the said Margaret with his foote, threw her to the ground; and within foure dayes thereafter he came with a long gwn, a sword and a stalffe to the said Johne as he wes going at the harrowes, strake him over the head with the gwn and dang him dead to the ground, where he lay among the hors feit in his blood, and then he gave him twelffe or threttene strakes on the head, armes and shoulders and left him for dead. And last, upon the 25 of October bygane, the said James Scorjack came to the compleanner as he was leading his hors with broome, having a spaid in his hand, tooke the same frome him, kuist him to the ground, tooke out the money of his purse and flang the same at his face, swearing that he sould make him that he sould not keepe his awne hous." Charge having been given to these persons complained P. 411.

Decreta, April 1635-February 1639. P. 412.

upon and the pursuers compearing by Mr William Forbes, advocate, but the defenders not compearing, the Lords ordain the latter to be denounced his Majesty's rebels and escheated.

Sederunts, February 1635-November 1643. Fol. 58, b.

"A letter of trust frome his Majestie in favors of the Erle of Traquair." The Earl of Traquair.

Acta, May 1636-November 1639. Fol. 247, b.

Sederunt:—Treasurer; Privy Seal; Winton; Perth; Wigton; Kingorne; Lauderdaill; Southesk; Lord Angus; Lord Lorne; Lord Doune; Bishop of Brechin; Lord Elphinston; Lord Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk. Stirling, 1st March 1638.

"The quhilk day the Lords of Secreit Counsell, being conveenned in Counsell, and having at lenth reasouned upon the causes of the present combustion within the countrie and of this present meiting, they declare that the caus of this meiting is to represent to his sacred Majestie the trew estat of the countrie be occasion of the Service Booke, Booke of Canons, and the Hie Commission, and to thinke upon the best way how his Majestie may be satisfied in honnour and the peace of the countrie secured." Anent the commotion caused by the Service-book, Book of Canons, and the Court of High Commission.

"Thereafter the Clerk of Registrar produced ane letter frome the Lord Chancellor excusing his not keeping of this dyet according to his promise; and the Lord Privie Seale declared that he had receaved the like letter and to the same effect, whiche he had communicat to the Lord Tresaurar, who immediatlie dispatched a letter to the Lord Chancellor desyring his Lordship to keepe this dyet preciselie, and in respect thairof, and seing the Lord Chancellar wes not come, the Lords thought meit to continue all further doing in this mater till the morne at eight of the clocke in the forenoone, whilk they appointed to be thair nixt meiting and to sitt till twelffe, and to meit at twa afternoone and sitt till sax; and the saids Lords ordains the said Lord Chancellor his letter produced be the said Clerk of Registrar to be insert and registrat in the bookes of Privie Counsell *ad futuram rei memoriam;* of the quhilk the tenor followes:—Please your Lordships to excuse my absence frome this meiting whiche I promised to keep, but am hindered by diverse urgent occasions. Your Lordship knowes my minde in the cheefest bussines whiche is to be intreated, whiche I assure my selfe will be the mynd of all good clergie men; that is to lay aside the booke and not to presse the subjects with it anie more, rather than to bring it in with suche trouble of the church and kingdoms as we see. But I sould wishe all this to be fairlie caried without anie tuiche to his Majesteis honnour, and the opening of a doore to the dissobedience of ill affected people, quhairof I know your Lordships will be carefull. And so beseeching God to blesse your counsells with a good successe, I take my leave, resting your Lordships humble servant. *Subscribitur*, Sanctandrewes. Edinburgh, the last of Februar, 1638." Letter from the Lord Chancellor excusing his absence from the meeting of Council, and stating his opinion that the Service-book should be withdrawn.

Thomas Dunbar of Boghoill *versus* the Chanter of Murray.

"Forsamekle as Thomas Dumbar of Boghoill, having had diverse termes and dyets appointed and assigned to him aganis the Chantor of Murrey and his sone for the slaughter of umquhill Johne Dow, servant to the said Thomas, and he having keeped all the dyets appointed unto him and used his best diligence both aganis the parteis and assyssours, that nevertheles all these dyets have beene disappointed and deserted be the policie and craft, as appeares, of the said Chantour, whois power and freindship is so great in these bounds as hardlie can ane assise be gottin aganis him; thairfoir the Lords of Secreit Counsell ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to appoint to the said Thomas a new dyet in the moneth of , whereunto he may convenientlie summond his partie and assyse, and to grant him letters for that effect in als ample forme and under als great panes as the course of law and justice in suche a caise will allow and hath beene formerlie grantit to the said Thomas." Acta, May 1636-November 1639. Fol. 251, a.[1] [1This Act omitted in its proper place in the Register.]

Charge to the bailie of the lordship of Culross to present before his Majesty's Justice, Isabel Veitch, who is accused of child-murder.

"Forsamekle as it is understand to the Lords of Privie Counsell that Issobell Veitche, servant in the Blair within the parish and lordship of Culros, having upon the 14 day of Februar last borne ane barne in the Blair without the helpe of anie, and quhilk barne she confest to have beene procreat in adulterie and borne to the time living and livelie, and after she had suffered it to ly in the bed beside herselfe ane houre crying and weeping she wrapped it in ane linnen cloath and layed it in the chaffe bed where she lay and lay doun abone it, and so did suffocat the barne, and upon the morne thereafter about elleven of the clocke she past to the greene chamber in the Blair, and did cast doun the barne in a stinking privie, quhilk abominable fact aught to be exemplarlie punished to the terrour of others; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the baillie of the lordship of Culros, within whois bounds the said abominable fact wes committed and where the said Issobell presentlie remaines, to bring, present and exhibit her before the Lords of Privie Counsell at Stirline upon the xv day of Marche instant, to the intent she may be delivered to his Majesteis Justice to be examined, tryed and punished for the said barbarous and detestable fact as accords, under the pane of rebellion, etc., with certificatioun, etc; and siclyke to command and charge the provest of Stirline to receave the said Issobell Veitche fra the said baillie of the lordship of Culros within ane houre nixt after she sall be presented unto thame [*sic*], and to committ her to waird within thair tolbuith and to keepe her therein till she be examined and tryed upon the said abominable fact, as the saids provest and bailleis will answer upon thair obedience at thair highest perrell." Fol. 251, b.

Stirling, 2nd March 1638.

Sederunt ut die prædicto.

Unanimous finding of the Council that

"The quhilk day the Lords, having entered upon consideration of the present estat of the countrie and causes of the generall combustion Fol. 248, a.

Acta, May 1636-November 1639. Fol. 248, a.

within the same, they all in one voice conceave that the feares apprehended be the subjects of innovation of religion and discipline of the kirk established be the lawes of this kingdome upon occasion of the Service Booke, Booke of Canons, and High Commission, and the forme introduction thairof, contrare or without warrant of the lawes of this kingdome, ar the causes of this combustion."

the present commotion in the country is due to the introduction of the Service-book, Book of Canons, and the Court of High Commission contrary to the laws of the kingdom.

Sederunt ut die prædicto.

Stirling, 3rd March 1638.

"The Lords having tane to thair consideration what farther sall be doun for compescing and setling of the present combustion within this kingdom and dissipating of the convocations and gadderings within the same, seing proclamations ar already made and published discharging of suche convocations and unlawfull meitings, the Lords after voting finds they can doe no farther nor is already done heerin."

Finding of Council that, proclamations having failed to prevent the convocation of the lieges, nothing further can be done by means of the said proclamations.

"It being after propouned what nixt wes to be done, it wes resolved that one or two of the Counsell sould be sent to his Majestie to acquaint his Majestie with the trew estat of maters heir, and it being voted whether one or two sould be sent, it wes voted that one sould goe, and choice wes made of the Justice Clerk."

The Justice Clerk to be sent to his Majesty to represent the true state of the kingdom.

"Item, the Lords, having entered upon consideration of the remedeis, and conceaving that the Service Booke, Booke of Canons and Hie Commission, as it is sett doun, ar the occasion of this combustion, and that the subjects offers thame upon perrell of thair lyves and fortuns to cleere that the said Service Booke and others foresaids conteane diverse points contrare to the religion presentlie profest and lawes of the kingdome in mater and maner of introduction, the Lords thinkes expedient that it be represented to his Majesteis gracious consideration if his Majestie will be pleased to declare as ane act of his singular justice that his Majestie will take tryell of his subjects greevances and reasons thairof in his owne time and in his owne way agreable to the lawes of this kingdome, and that his Majestie may be pleased graciouslie to declare that in the meane time he will not presse nor urge his subjects therewith, notwithstanding anie act or warrant made in the contrare."

His Majesty to be petitioned to consider the protests of his subjects against the Service-book, and in the meantime not enforce the book.

"Instructions frome his Majesteis Counsell to the Lord Justice Clerk whom they have ordained to goe to Court for his Majesteis service."

"In the first yow ar to receave frome the Clerk of Counsell all the acts past since our meeting upon the first of Marche instant."

Instructions to the Lord Justice Clerk in connection with his mission to his Majesty anent the present commotions in the kingdom.

"Item, yow have to represent to his Majestie that this dyet of Counsell wes appointed to be solemnelie keeped be the advice of the Lord Chanceller and remanent Lords of the clergie being at Edinburgh for the time, who assured ws that they sould keepe the dyet preciselie; but at our meiting at Stirline we receaved a letter of excuse frome the Lord Chanceller whiche forced ws to proceed without his Lordship's presence

Fol. 248, b.

or anie others of the clergie except the Bishop of Brechin, who attended with ws three dayes but removed from us before the closing of our oppinions in this bussines." Acts, May 1636-November 1639. Fol. 248, b.

" Item, that, immediatlie after that we had resolved to send yow with a letter of trust to his Majestie, we did send our letter to the Lord Chanceller, acquainting him with our proceedings and desyring him to consider thairof, and if he approved the same to signe thame and to caus the remanent Lords of the clergie neerest unto him, and speciallie the Bishop of Brechin, who wes ane eare and ey witnes to our consultations, to signe the same, and by thair letter to his Majestie to signifie thair approbation thairof; or, if his Lordship did find some other way more convenient for his Majesteis honnour and the peace of the countrie, that his Lordship be his letter to the Lords Tresaurer or Privy Seale would acquaint thame therewith, to the effect they may conveene the Counsell for consulting thereanent."

" Item, that yow show to his Majestie that his Majesteis Counsell all in one voice finds that the causes of the generall combustion in the countrie ar the feares apprehended be the subjects of innovation of religion and discipline of the kirk established be the lawes of the kingdome be occasion of the Service Booke, Booke of Canons and High Commission, and the forme of introduction thairof contrare or without warrant of the lawes of the kingdom."

" Item, yow ar to represent to his Majestie our humble opinion that seing (as we conceave) the Service Booke, Booke of Canons and Hie Commission, as it is sett doun, ar the occasion of this combustion, and that the subjects offers thame upon perrell of thair lyves and fortouns to cleare that the said Service Booke and others foresaids conteane diverse points contrare to the religion presentlie profest and lawes of the kingdome in mater and maner of introduction, that the Lords thinkes it expedient that it be represented to his Majesteis gracious consideration if his Majestie may be pleased to declare as ane act of his singular justice, that his Majestie will take tryell of his subjects greevances and reasons thairof in his owne time and in his owne way, according to the lawes of this kingdome, and that his Majestie may be pleased graciously to declare that in the meane time he will not presse nor urge his subjects therewith, notwithstanding of anie act or warrant made in the contrare."

" And in caise his Majestie sall be graciouslie pleased to approve of our humble opinions, yow ar thereafter to represent to his Majesteis wise and grave consideration if it sall not be fitting to consult his Majesteis Counsell or some suche of thame as he sall be pleased to call to himselfe or allow to be sent frome the table, both anent the time and way of doing."

" And if his Majestie (as God forbid) sall dislyke of what we have conceaved most conduceing to his Majesteis service and peace of this kingdome, yow ar to urge by all arguments yow can that his Majestie doe not determine upon anie other course untill some at the least of his Fol. 249, a.

Acta, May 1636-November 1639. Fol. 249, a.

Counsell frome this be heard to give the reasons of thair opinions. And in this caise lykewayes yow ar to represent to his Majesteis consideration if it sall not be fitting and necessarie to call for his informers togidder with some of his Counsell that in his owne presence he may heare the reasons of both informations fullie debated."

"And yow sall lykewayes show his Majestie that the Counsell, having takin to thair consideration what farther wes to be done for compescing and satling the present combustion within the kingdome and dissipating of the convocations and gadderings within the same, seing proclamations ar alreadie made and published discharging all suche convocations and unlawfull meitings, the Lords after debating finds they can doe no farther nor is alreadie done heerin untill his Majesteis pleasure be returned to thir our humble remonstrances."

"Missive to his Majestie anent this mater."

Missive to his Majesty anent the commotion caused by the Service-book.

"Most Sacred Soverane.—The estat of this kingdome is suche that since this last proclamation the expression of the subjects thair feares and apprehension of alterations in religion and of these other things conteanit in thair petitions ar come to so great hight that we conceave ourselves bound in dewtie to represent the same to your sacred Majestie be one of our owne number, and be him lykewayes to acquaint your Majestie with our humble opinions and advices anent the remedeis. And having for this purpose made choise of Sir Johne Hamilton of Orbiston, knight and Justice Clerk, we humbelie intreate your Majestie may be graciouslie pleased to give credit unto him in what he sall deliver concerning thir maters. And so praying God to blesse your Majestie with a long and happie raigne, we rest. Frome Stirline, 5 of Marche, 1638. *Subscribitur*, Traquaire, Roxburghe, Winton, Perth, Wigton, Kingorne, Lauderdaill, Southesk, Angus, Lorne, Doune, Elphinston, Naper, Hay, S. W. Elphinston, Ja. Carmichaell, S. Thomas Hope."

"Missive to the Chanceller."

Fol. 249, b.

Missive to the Lord Chancellor anent the Instructions sent to his Majesty.

"Our verie honnorable good Lord.—We receaved your Lordships letter and excuse anent your Lordships not keeping of this meiting of the Counsell, whilk be your Lordships owne proposition and motion wes appointed and found most necessarie to be at this time and in this place, and we expected to have beene assisted with your Lordships best advice and opinion in thir great and weightie affaires now in hand, wherein the bodie of the estat is too neerlie interest. But seing your Lordships other adoes withdrew you from this meiting, and we, finding the necessitie and importance of the bussines to be so urgent as it could not admitt anie delay, we therefore entered to the consideration of the causes of the present evills and remedies thairof, and having spent three dayes thereupon and debated and digested all that could be said thereanent, wherein as we sall answer to God we caried ourselves without all privat respect, and had nothing before our eyes but the glorie of God, his Majesteis

honnour and the peace of the countrie in end we agreed upon some articles to be remonstrat to his Majestie be Sir Johne Hamilton of Orbiston, Justice Clerk, the copie quhereof your Lordship sall heerewith receave marked by our clerk, and if yow approve of our judgements, we intreate your Lordship to signe the same and to send the same to the Bishops of Glasgow and Edinburgh, requesting thame and suche of thair number as sall be in Edinburgh or Glasgow to signe the same. And we ar the rather moved heereto that the Lord Bishop of Brechin wes ane eare and ey witnes to all our proceedings, and assented and assisted all that wes done heerin. And we thinke it lykewayes verie necessar that if your Lordship approve heirof, yow sall testifie the same to his Majestie by your awne particular letter; and if your Lordship thinkes upon anie better course for his Majesteis service and peace of the countrie, we expect that your Lordship will acquaint ws therewith and with the reasons moving yow thereto, and send your answer in writt to the Lords Tresaurar and Privie Seale, who will be resident at Edinburgh, that accordinglie they may conveene the rest of the Counsell to consult thereupon. And so with the remembrance of our best affections, committing your Lordship to the protection of God, we rest. Frome Stirline, 5 Martij, 1638. *Subscribitur ut supra.*" Acta, May 1636–November 1639. Fol. 249, b.

No Councillor to communicate with the Court till the Justice-clerk has delivered his Instructions.

"The quhilk day the Counsellers present promeist that they nor nane of thame sall send ane advertisement to Court tuicheing the proceidings of this meiting till first the Justice Clerk acquaint his Majestie with the same."

3rd March 1638.

The Decreit Arbitral in the cause of Francis Stewart *versus* the Earl of Buccleugh to be registered in the books of the Council.

"The whilk day in presence of the Lords of Secreit Counsell, compeired personallie Sir Thomas Hope of Craighall, Advocat to our soverane lord, and gave in the letter underwrittin signed be the King's Majestie and directed to the said Lord Advocat, by the quhilk his Majestie required the said Lord Advocat to produce his Majesteis decreit underwrittin before the Lords of Privie Counsell and to caus the same to be registrat in the bookes of Counsell or Session, as the said letter more fullie proports. Lykeas the said Lord Advocat, in humble obedience of his Majesteis letter foresaid directed unto him, produced and exhibite before the saids Lords the decreit arbitrall abonewrittin signed be his Majestie and subscryved be the Earles of Roxburgh and Buccleuche and Francis Stuart, sone of the late Erle Bothuell, as the same bearing date at Oatlands the 8 of August, 1631, beirs, and desired the said decreit arbitrall to be insert and registrat in the saids bookes of Privie Counsell *ad futuram rei memoriam*, and the extracts thairof to be givin to both parteis as they require the same, quhilk sall have als great faith as the principalls; and desired the letter foresaid, direct frome his Majestie unto him, to be insert and registrat as the warrant heirof and therafter to be givin to the said Lord Advocat. Quhilk letter and decreit foresaid being read, heard, and considderit be the saids Lords, and they finding the said Lord Advocat his desire to be just and reasonable, they have thairfoir ordained and ordains the said decreit arbitrall, and his Majesteis Fol. 250, a.

Acta, May 1636–November 1639.

Fol. 250, a.

letter foresaid direct to the said Lord Advocat, as the warrant of the registrating of the said decreit arbitrall, to be insert and registrat in the bookes of the Privie Counsell *ad futuram rei memoriam*, and extracts thairof to be givin to both parteis as they sall require the same, quhilk sall have as great faith as the principall, of the quhilk letter and decreit arbitrall the tenor followes:—CHARLES R.—Trustie and weilbelovit counseller, we greit yow weill, Whereas we sent to yow our decreit arbitrall pronounced be ws betweene umquhill Walter, Erle of Buccleuch, and Francis Stuart, whiche decreit we wer pleased to explane by diverse articles and explanations conteanit in our severall letters direct to our Treasurar, part quhairof ar registrat; and seing (as we ar informed) that

Warrant from his Majesty for the above registration.

Fol. 250, b.

the samen as yitt hes not takin anie effect by the delayes used by the Erle of Buccleuche and his tutors, we will and require yow to produce our said decreit and caus the same be registrat ather in the bookes of Counsell or Sessioun and draw up a contract conforme to our will signified in the saids articles and explanations and require thame to subscribe the same in presence of our Tresaurar; and whosoever sall refuise; acquaint ws therewith assisting with diligence the other partie for obteaning the same fulfilled in all points. And it is our further pleasure that without respect ather to partie or person yow compeir with the said Francis in all judicatoreis and assist him in obteaning his demands in everie thing that sall be found to agree with our decreit arbitrall and our signed articles and explanations thereupon, alreadie registrat and to be registrat, for whiche these presents sall be your warrant. We bid yow farewell. From our Court at Whitehall, the 11 of Februarie, 1638.—CHARLES R.—Francis Stuart, having petitiouned ws to have compassion upon his deplorable estat, and that his fathers fault (of whiche we find him to be nowayes guiltie) may not utterlie ruine him, of which petition we having dewlie considderit, doe find it fitt so far to satisfie him that he may have a competent maintenance to live on, to whiche end we, having spokin with these Lords who have all the benefite of the late Erle of Bothuell's forefeyture, and they, as reason is, having submitted to what we sall determine herein, doe heirby declare our pleasure that the trew worth of the said forefeyture, being found out upon strict examination by our Counsell of Scotland and that being divided into six parts, we allot thairof two parts to Francis Stuart to be takin respectivelie out of the aforesaid Lords possessions, and that everie one of thame sall doe whatever sall be thought fitt in law, and is in thair power to performe for securing of the other of that whiche we appoint to be done, a care being had, as we sall give order for that effect, that this division whiche we have declared sall be justlie and equallie made, giving to everie one his proportion, for avoiding future strife, in the part where it may ly most convenientlie for his use. And these presents sall be a warrant to our Advocat to draw securiteis heirupon. At Oatlands, the 8 of August, 1831. *Subscribitur*, Roxburgh, Buccleuche, Francis Steuart."

Decreet by his Majesty assigning aliment to Francis Stewart

Stirling, 5th March 1638.

Sederunt :—Treasurer; Privy Seal; Winton; Perth; Kingorne; Wigton; Lauderdaill; Southesk; Angus; Lorne; Doune; Elphinston; Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk. Acta, May 1636-November 1639. Fol. 251, b.

Proclamation anent the plague which has broken out in the Middle Shires.

"Forsamekle as the Lords of Secreit Counsell hes receaved certane and sure information that there is diverse parts within the Middleshires upon the English side and just opposite to this kingdome infected with the contagious sicknes of the pest, and the daylie and frequent commerce and intercourse interteanned betuix the twa kingdoms and namelie within the saids middleshires at the part callit Ibell, Kimmerston, Varke, Cornell and other parts in Glamdeall neere and directlie opposite to the shirefdome of Beruick and east parts of the shirefdome of Roxburgh, viz. be east Kealwater and Teviot, may prove verie dangerous for this kingdome if some persons, authorized with warrant and commission and being of power, credit and auctoritie, be not appointed to attend the saids bounds, and to have a care that all lawfull and good meanes be used for preventing the incomming and grouth of that infection heir; for quhilk purpose the Lords of Secreit Counsell hes committed and be the tennor heirof committs the charge and oversight of the bounds abonewrittin within the saids Middleshires in the point of commerce and trade to the shireffs of the shire and justices of peace within these bounds, as alsua to James, Erle of Hume, Sir Johne Hume of Blacader, William Hume of Aitton, William Hume of Linthill, baillie of Dunce, Lancelot Pringill of Lees, George Hume of Deerington, , baillie of Caldstreame, Robert Ker of Graden, Andro Ker of Maissindew, baillie of Kelso, and Mr Johne Clapperton, minister at Ednem, commanding thame as they will be answerable upon thair dewtie, to have a speciall care and regard that none be suffered to resort nor repaire to the bounds upon the English side infected with the said contagion nor to interteane anie commerce, trade nor handling within the same but suche as sall be allowed be the saids shireffs, justices of peace and others foresaids to doe the same, and that all drovers and others that trades in England with anie goods give up to the saids shireffs and justices of peace or to the others persons particularlie abonewrittin, a cleere note of the place within the middle marche wherunto they intend to repaire and be the quhilk they ar to returne, and at thair returne that they give up ane cleere note of the places where they have traded and frome whence they ar returned and produce ane formall certificat of the lawfulnes and unsuspect estat of the places where they have traded. And whereas the keeping of mercats within the saids bounds of the Middleshires, especiallie Dunce, Kelso, Jedburgh, Melros, Hawick and others places upon this side, may lykewayes prove verie dangerous to the kingdome in respect of the great concurse of people frome the English side to the saids mercats; thairfoir the saids Lords hes discharged and be the tennor heirof discharges the halding and keeping of mercats within the bounds Fol. 252, a.

Acts, May 1638–November 1639.

Fol. 252, a.

foresaids till upon good advice and deliberation the inhabitants of the saids touns and magistrats thairof be warranted and allowed to doe the same. And if it sall please God to visite this kingdome with the said contagious sickenes, that than the saids shireffs and justices of peace and the provests and bailleis of burrowes, within thair awne bounds and jurisdictions, have a speciall care of the keeping and preservation of the saids bounds and preventing of the grouth and progresse of the said infection; and for this effect that they informe thameselves daylie of the true estat of the places infected and of the health and disposition of the persons dwelling within the same, that, where they find anie contagion or probable suspicion thairof, that they prescrive and sett doun acts, rules and ordinances how the suspect and foule persons, where anie sall happin to be, may be keeped apart be themselves in suche places as sall be designed and allowed unto thame, commanding thame in his Majesteis name to make thair addresse to the parts and places to be assigned to thame and there to conteane thameselves and that they in nowayes presoome to come furth thairof nor to transcend these bounds till, after a lawfull tryell that they ar free of that contagion, they be fred and releeved, under the pane of death, certifeing thame that sall faillie and doe in the contrare that the pane of death sall be execute upon thame without favour: and ordains letters to be direct to make publication heirof be opin proclamation at the mercat croces of the burrowes and touns foresaids and others within the Middleshires, wherethrow nane pretend ignorance of the same; and to command and charge all shireffs, justices of peace and others whome these presents doe or may concerne, that they and everie ane of thame attend thair severall charges in this mater and doe and performe that quhilk to thair place and charge apperteanes, and that all traders, drovers and others his Majesteis subjects within the saids bounds give obedience to the directions to be given to thame and conforme thamselves thereunto, and in nowayes presoome to contraveene nor dissobey the saidis directions in anie point, under the highest pane that may be inflicted upon thame."

Fol. 252, b.

Letter from his Majesty rebuking the Council for its proceedings anent a petition.[1]

[1This letter omitted the 20th of February.]

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne, Erle of Traquair, Lord High Tresaurar of this kingdome, and produced and exhibite before the saids Lords the missive letter underwrittin, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and weilbelovit and trustie and weilbelovit counsellers, having seene the petition latelie presented to yow, and the proceedings therein reported to ws by our right trustie and weilbelovit cousine and counseller the Earle of Traquair, our Tresaurar, we doe noway approve of the same, becaus your course heerin hath been more derogatorie to our auctoritie, then conduceing to the trew quyet of the countrie. For we can never conceave that the countrie is truelie quyet when regall auctoritie is infringed, for, altho it may have a seeming setlement at first, it cannot so long continue when the Kings true

auctoritie is not truelie preserved. Yitt not doubting but yow have beene heerin meirlie misled out of ane intention for the peace of the countrie, we have writtin this rather to admonishe yow what to doe in time to come then to find fault with that whiche is past. Thairfoir we require yow to proceed carefullie and diligentlie according to these instructions whiche we have givin to our right trustie cousine and counseller, the Earle of Traquair, our Tresaurar. Nevertheles upon this admonition that, altho at this time upon this occasion we have imparted our minde freelie and fullie to our said servant, yitt nevertheles we expect frome everie one of yow severallie and joyntlie that yow doe labour in this bussines als heartilie and industriouslie as if we had recommendit it with our owne mouth to everie ane of yow in particular. So that expecting your serious care therein, we bid you heartilie farewell. Givin at our palace of Whitehall, the 3 of Februar, 1638." Acta, May 1636-November 1639. Fol. 252, b.

Stirling, 5th March 1638.

Supplication by the sheriff of Stirling anent the sentence of Alaster M'Hutcheon, who has been found guilty of theft

Supplication by the Sheriff of Stirling and his deputes, as follows :— In terms of their Lordships' commission to them they had put Alaster McHucheoun to the knowledge of an assise by whom he has been convicted of the theft of a wedder and a ewe, and the reset of a stolen cow; and they crave their Lordships' direction as to the sentence they are to pronounce. The Lords ordain them to sentence McHucheoun to be banished this kingdom never to return without his Majesty's permission, upon pain of death; and also to require him to find caution for taking his departure within a month, and during that time to behave himself peaceably under a penalty of 500 merks. On his finding this caution the provost and bailies of Stirline are to liberate him from their tolbooth. Decreta, April 1635-February 1639. P. 412. P. 413.

Stirling, 15th March 1638.

Sederunt :—Treasurer; Lord Elphinston; Clerk Register; Justice General; Deputy Treasurer; Advocate. Acta, May 1636-November 1639. Fol. 253, a.

Letter from his Majesty anent the removal of the registers of Council from Edinburgh to Stirling.

"The quhilk day the letter underwrittin, signed be the King's Majestie and directed to the Lords of Privie Counsell, being exhibite and produced before so manie of the saids Lords as wer present and read in thair audience, the saids Lords ordains the said missive letter to be exhibit before the Lords of his Majesteis Sessioun the morne to the intent they may take the same to that consideration and appoint two or three of thair number to report thair advice and opinion thereanent to the saids Lords of Privie Counsell the first Counsell day, of the quhilk letter the tennor followes :—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trusty and trustie and belovit counsellers, we greit yow weill. We perceave by your letter and information frome our Secretar the diligence yow have used for meiting there according to our late direction, for whiche we give yow heartie thankes. We ar lykewayes informed of the present inconvenients by wanting of the registers there, but in regard of the difficulteis that might occurre in the suddane transporting of thame and the shortnesse of the time that the Session hes now to sitt, we conceave it may be more fitlie done in

Acta, May 1636–November 1639. Fol. 253, a.

the vacance. In the meanetime, for the better accommodation of our lieges, it is our pleasure that, by the advice of our officers who have the charges of our registers and of the Lords of Session, you take suche course as you sall find most convenient for the present. We approve lykewayes of your opinion for settling of the posts at Linlithgow and Stirline and have givin order to our Tresaurar for that purpose. We bid you heartilie farewell. From our Court at Newmercat, 22 February, 1638."

Sederunt:—Treasurer; Mar; Perth; Wigton; Lauderdaill; Lord Angus; Lord Lorne; Lord Elphinston; Lord Naper; Clerk Register; Justice General; Advocate; Deputy Treasurer. Stirling, 24th March 1638.

Fol. 253, b.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Sir Johne Hamilton of Orbeston, Justice Clerk, and gave in and produced before the saids Lords the missive letter underwrittin, signed be the King's Majestie and directed to the saids Lords, of the quhilk letter the tennor followes:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and weilbelovit counsellors and trustie and welbelbelovit counsellours, we greit yow weill. We wer verie muche surprised by that whiche we have heard frome our trustie and welbelovit counseller, Sir Johne Hamiltoun of Orbeston, knight (whois instructions we have seene and have had a true account of that whiche you entrusted to him), both in regard of the relation that he hath made unto ws of the estat of affaires there as lykewayes concerning your opinion thereanent. We doubt not but yow see more then we can, thairfoir we imagine that yow have more reason for your advice then hitherto we can apprehend, for (as it would seeme at the first sight) this course that yow have advised unto ws would hazard the overthrow of that churche governement whiche our deare father of blessed memorie hath established, but we, being confident that nather your intentions nor your counsells doe tend thereunto, but meirlie for the peace of the countrie, without prejudice of our governement in anie kynde, doe require yow for our better satisfaction heerin to send up our right trustie and weilbelovit cousine and counseller, the Earle of Traquaire, or our right trustie and weilbelovit cousine and counseller, the Earle of Roxburgh, or both, that so we, being als weill satisfied with the reasons as the intentions of your counsells, may take the best course for settling of all our affaires in that our ancient and native kingdome whiche we earnestlie desire; and doe bid yow heartilie farewell. Givin from our Court at Whitehall, the 16 of Marche, 1638.—Whilk letter beiug read, heard and considderit be the saids Lords, they returned thair answer in writt to his Majestie, of the quhilk answer the tennor followes:—Most Sacred Soverane, we receaved your Majesteis letter frome the Justice Clerk and doe returne our most humble thankes to your Majestie for the signification of your

Answer from his Majesty to the Instructions sent to him by the Council through Sir John Hamilton, in which he requires that the Earl of Traquair or the Earl of Roxburgh, or both, be despatched to him with fuller information.

Reply of the Council to his Majesty's letter.

gracious pleasure to heare of some of our number the reasons of our former opinions, and in humble obedience thairof we have appointed the Lords Tresaurar and Privie Seale (whome your Majestie is pleased to nominat) to attend your Majestie, to whome we have communicat the reasons of our former opinions, with suche farther as we conceave necessarie for your Majesteis service and peace of the countrie, quhilk we find to be in so pitifull an estat that we humblie intreat your Majestie in your gracious goodnes to commiserat the same, and therewithall to give full credit to the saids Lords Tresaurar and Privie Seale in what they sall remonstrat to your Majestie frome ws thereanent, and all other things quhilks may concerne that bussines. And so, praying God to blesse your Majestie with a long and happie raigne, we rest, etc. Stirline, 24 Martij, 1638. *Subscribitur*, Mar, Perth, Wigton, Lauderdaill, Angus, Lorne, Elphinston, Napier, J. Hay, Sir W. Elphinston, S. Thomas Hop, Ja. Carmichaell, J. Hamilton. And siclyke the saids Lords ordains a letter to be writtin to the Lord Chanceller concerning this bussines, quhilk wes accordinglie done, of the tennor following:—Right reverend father in God, Upon the returne of the Lord Justice Clerk fra whome we receaved his Majesteis letter requiring ws to send up the Lords Tresaurar or Privie Seale or both for cleering to his Majestie the reasons of our opinion sent up with the Justice Clerk, we have burdenned thame both joyntlie, and hes recommendit unto thame the reasons and arguments for enforceing of our former opinion and of the instructions givin to the said Justice Clerk, quhairof we sent to your Lordship a double. And seing the Lord Privie Seale, before the receipt of his Majesteis letter, wes upon his way to Court and that the Lord Tresaurar is to use all lawfull expedition to addresse himselfe to Court, thairfoir we have thought fitt to acquaint your Lordship heerwith that, if your Lordship have anie farther opinion to be givin to his Majestie in these bussineses, or upon the reading of this inclosed copie of his Majesteis letter delivered unto ws be the Lord Justice Clerk, your Lordship may be pleased to furnishe the Lord Tresaurar with anie reason for cleering our opinion and for the quhilk we sall remaine your Lordship's verie good freinds. Stirline, 24 Martij, 1638. *Subscribitur ut supra una cum* Traquair. It wes thought also neidfull that a letter sould be writtin to the Lord Privie Seale, quhilk wes accordinglie done, of the tennor following:—Our verie honnorable good Lord, we receaved his Majesteis letter frome the Lord Justice Clerk, quherein his Majestie hes willed ws to send up the Lord Tresaurar or your Lordship or both for cleering the reasons of our opinion sent up with the Justice Clerk, and in respect of the importance of the bussines we have thought good to burden the Lord Tresaurar and your Lordship joyntlie and have givin the Lord Tresaurar certane instructions signed be ws, which he at our desyre hes also signed, and quhilk we thought verie expedient, in respect both he and your Lordship wer present with ws when our opinions and reasons wer debated, and thairfoir we entreate your good Lordship to signe the same, seing in effect

Acta, May 1636-November 1639. Fol. 253, b.

Fol. 254, a.

Letter from the Council to the Lord Chancellor desiring him to supplement the Council's reply to his Majesty, if he is so disposed.

Letter from the Council to the Earl of Roxburgh desiring him to sign the Instructions to be conveyed to his Majesty by the said Earl and the Earl of Traquair.

Fol. 254, b.

Acts, May 1636-November 1639. Fol. 254, b.

the same ar allanerlie explanations of our former opinions, wherein expecting your Lordship's accustomed care we rest, etc. Stirline, 24 Martij, 1638. *Subscribitur ut supra.*"

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Sir Johne Hamilton of Orbeston, knight, Justice, and reported unto the saids Lords the forme of his proceedings with the King's Majestie in the discharge of that commission quhairwith he wes entrusted be the saids Lords. Quhilk report being heard and considderit be the saids Lords, they find that the said Sir Johne Hamilton hes behaved and caried himselfe most wiselie, faithfullie and honestlie in that mater and hes conformed himselfe to the instructions givin to him thereanent in everie point, and thairfoir the saids Lords allowes of the said Sir Johne his proceedings and exoners him thairof and of all that may be impute to him therethrow for ever." Approval of Sir John Hamilton's discharge of his mission to his Majesty.

Sederunt:—Treasurer; Winton; Lauderdaill; Lord Angus; Lord Lorne; Justice General; Deputy Treasurer; Justice Clerk. Dalkeith, 16th May 1638.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne, Erle of Traquair, Lord High Tresaurar of this kingdome, and produced and exhibite before the said Lords the missive letter underwrittin, signed be the King's Majestie and direct to the saids Lords, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God and right trustie and weilbelovit counseller, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow well. Whereas we have determined to have a solemne meeting of our Counsell at Dalkeith upon the sixt day of Junij nixt where our right trusty and right weilbelovit cousine and counseller, the Marques of Hamilton, is to be commissioner frome ws for maters speciallie concerning ws and the good of that our ancient kingdome, it is our pleasure that yow give particular advertisement thairof to all who ar of our Privie Counsell there that they may be present with thair advice and assistance at the said meiting, wherein not doubting of your accustomed care, we bid yow farewell. Frome our Court at Whitehall, the 8 of May, 1638.—Quhilk missive being read and considderit be the saids Lords, they in obedience thairof did immediatlie direct missives to the Archbishop of Glasgow, the Marques of Huntlie, the Erles of Murrey, Perth, Winton, Kingorne, Seafort, Gallouay, Southesk, Dumfreis, Finlatter, Lord Elphinston, Bishops of Aberdene, Murrey, Dunkeld, and Yles, the Lord Downe and Laird of Blakhall, to attend the said dyet." Letter from his Majesty appointing a meeting of Council to be held at Dalkeith on the 6th of June, when the Marquis of Hamilton will appear as Commissioner.

Fol. 255, a.

"Forsamekle as it is understand to the Lords of Privie Counsell that there is great appearance of trouble like to fall out betuix James Pringle of Torwodlie, on the ane part, and Borthuick of Cruikston, on the other part, anent the right acclamed be thame and the mother in law to the said goodman of Torwodlie to ane hous standing upon the Charge to James Pringle of Torwoodlie, and Borthwick of Cruikstone, between whom there is a feud, to appear

before the Council, and meantime to keep the peace.

lands of , whereupon manie inconvenients may fall out to the breake of his Majesteis peace and disquyetting of the countrie without remeid be provydit, thairfoir ordains letters to be direct charging both the saids parteis to compeir before the saids Lords upon the sixt day of Junij nixt to underly suche order as sall be tane with thame tuicheing the observation of his Majesteis peace and keeping of good rule and quyetnes in the countrie, under the pane of rebellion, etc., with certification, etc., and in the meane time to command and charge both the saids parteis to observe our soverane lords peace and to keepe good rule and quyetnes in the countrie, and that nane of thame presoome nor take upon hand to invade nor persew one another under whatsomever cullour or pretext for whatsomever deid, caus or occasion, otherwayes nor be order of law and justice, either of thame under the pane of twa thowsand merkes, certifeing thame that sall faillie or doe in the contrare that they sall be decerned to have incurred and to incurre the said pane, and letters sall be direct aganis thame for payment thairof to his Majesteis Tresaurar and Deputie Tresaurar in his Majesteis name and to his Majesteis use in forme as effeirs." Acta, May 1636–November 1639. Fol. 255, a.

Dalkeith, 6th June 1638.

Sederunt :—Marques of Hamilton, Commissioner; Chancellor; Treasurer; Privy Seal; Marques of Huntlie; Mar; Winton; Linlithgow; Perth; Wigton; Kingorne; Tullibardin; Hadinton; Seafort; Lauderdaill; Dumfreis; Southesk; Finlatter; Belheaven; Lord Angus; Lord Lorne; Lord Downe; Bishop of Gallouay; Elphinstou; Naper; Clerk Register; Advocate; Treasurer Depute; Justice General; Justice Clerk; Sir Robert Gordon; Blakhall.

James, Marquis of Hamilton, received as Commissioner for the settling of the tumult caused by the Service-book.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie James, Marques of Hamilton, and produced and exhibite before the saids Lords ane commission granted be our sacred soverane to the said Marques under the great seale of this kingdome, by the quhilk his Majestie hes warranted the said Marques to repaire to this kingdome and to take order for compescing and setling of the present combustion and disorders within the same, as in the said commission past his Majesteis hand upon the twentie of May last and sealed upon the day of at lenth is conteanit. Quhilk commission being read in the presence and hearing of the saids Lords, and they being weill advised therewith, they all in one voice with all dewtifull respect and regard acknowledged the choise made by his Majestie of the said Marques for the service foresaid as a person most fitt and able for so great ane imployment, and who hes gevin manie good prooffes of his sufficiencie in all preceeding imployments wherewith he hes beene intrusted be his Majestie both at home and abroad; lykeas the said Marques with all submissive reverence accepted the said commission upon him and promeist Fol. 255, b.

Acts, May 1636-November 1639. Fol. 255, b.

to doe his best endeavoures therein for his Majesteis honnour and the peace and quyet of this his Majesteis ancient kingdome."

Sederunt:—Commissioner; Treasurer; Privy Seal, Huntlie; Mar; Perth; Linlithgow; Wigtoun; Hadinton; Seafort; Southesk; Finlatter; Angus; Lorne; Clerk Register; Deputy Treasurer; Justice Clerk; Sir Robert Gordoun. Dalkeith, 8th June, 1638.

"The whilk day James, Marques of Hamilton, Commissioner, directed be the King's Majestie to this kingdome for compescing of the combustion and troubles within the same, represented to the Lords of Secreit Counsell the consideration of a petition exhibite to his Grace be the citie of Edinburgh proporting that for the better and more convenient handling and ordering of this great and important bussines wherewith his Grace is entrusted be his sacred Majestie, and to give a beginning to the good and happie conclusions quhilks ar expected frome his panes and travellis therein, it wer more convenient and expedient for the good of that his Majesteis service that the meetings of the Counsell sould be at Halyruidhous nor anie where ellis where the subjects might convenientlie repaire and be in readines to attend his Majesteis service at all occasions. The Lords, having heard and considderit the petition foresaid and proposition made be his Majesteis commissioner thereanent, they all in one voice and with ane unanime consent find that his Majesteis palace of Halyrudhous is the most convenient place for keeping of Counsell at this time, and they ar in good hope that it sall greatlie further and advance his Majesteis service now in hands and be ane introduction to the good and happie conclusions thairof for the glorie of God, his Majesteis contentment, and peace and tranquillitie of the kingdome; and thairfoir the saids Lords advises the Commissioner his Grace to appoint the meetings of the Counsell for this bussines now in hands to be at Halyrudhous in his Majesteis Counsel hous there, whiche wes accordinglie done." Resolution, in consequence of a petition from Edinburgh, that the Council shall meet in Holyrood House.

Fol. 256, a.

Decreta, April 1635-February 1639. P. 419.[1] [1Omitted at its proper place in the Register.]

Sederunt:—Commissioner; Chancellor; Treasurer; Privy Seal; Marquis of Huntlie; Mar; Linlithgow; Perth; Wigtown; Kingorne; Tullibardin; Hadintoun; Seafort; Lauderdail; Dumfreis; Southesk; Finlater; Lord Angus; Lord Doun; Lord Lorne; Lord Naper; Lord Elphinstoun; Clerk Register; Advocate; Treasurer Depute; Justice; Justice Clerk; Sir Robert Gordoun; Blackhall. Holyrood House, 12th June 1638.

P. 420.

Supplication by Daniel Clerk in Achintulloch, as follows:—Their Lordships know "what ane fearfull hership Johne Dowgar and his complices did latlie commit upon him, taking from him abone the worth of five hundreth pund sterline in silver wark and other moveables." He is now informed that some of this silver work has been sold in Perthshire, Supplication by Daniel Clerk in Auchintulloch anent certain goods stolen from him by John Dowgar and others.

and he craves that a commission may be granted to the Sheriff of Perth and his deputes, and to the provost and bailies of Perth and all other magistrates, judges and officers to burgh and land within their own several jurisdictions to cite before them all such persons as shall be found delated of having any of the said stolen goods and try them thereupon and the manner of their obtaining them, and report to their Lordships with a view to their suitable punishment. The Lords grant commission as craved. Decreta, April 1635-February 1639. P. 420.

Next meeting of Council.

"The Lords ordains thair nixt meeting to be the morne at nyne of the clocke in the forenoone." Sederunta, February 1635-November 1643. Fol. 59, b.

Holyrood House, 16th June 1638.

Sederunt:—Treasurer; Privy Seal; Mortoun; Tillibardin; Hadintoun; Lauderdail; Seafort; Southesk; Lord Lorne; Lord Naper; Clerk Register; Justice General; Advocate; Sir Robert Gordoun; Blachall. Decreta, April 1635-February 1639. P. 415.[1]

[1 Omitted at its proper place in the Register.]

Supplication by Sir Donald M'Donald of Sleat that he may be relieved from appearing before the Council on account of illness and the unsettled state of the country.

Supplication by Sir Donald M°Donald of Slait, as follows:—The time of his yearly compearance before their Lordships with the rest of the islanders on 10th July now approaches, and he would most willingly attend, "but in regard of the infirmitie of his persone occasioned by long sicknesse whereof he is not well convalesced and so unable to travell, and in respect of the unsattled estate of the countrey and uncertaintie of the saids Lords thair meettings, he is confident the saids Lords will dispense with his appearance; and so much the rather that there is no persone can compleane of anie neglect of dewtie aganis him, and that he hes fullie satisfied his Majesties Thesaurer for his few dewties and taxations befor the hand; so as his appearance will be verie unnecessarie and verie hazardous and chargeable to his persone and means. He therefore craves that their Lordships will dispense with his appearance before them on 10th July next. This the Lords do, but for that diet only.

Protection granted to Samuel Cockburn of Henderland.

"The Lords grants protection to Samwell Cokburne of Henderland for his appearance before the Counsell upon the 19 of Junij instant till the xx day of the same moneth." Sederunta, February 1635-November 1643. Fol. 59, b.

Holyrood House, 19th June 1638.

Sederunt:—Treasurer; Privy Seal; Mar; Linlithgow; Wigtoun; Kingorne; Tullibardin; Seafort; Lauderdaill; Southesk; Dumfreis; Belheaven; Lord Angus; Lord Lorne; Lord Naper; Clerk Register; Justice General; Blakhall. Fol. 60, a.

[No record of business.]

Holyrood House, 21st June 1638.

Sederunt:—Treasurer; Privy Seal; Mar; Lithgow; Annandail; Southesk; Angus; Lord Elphinstoun; Lord Naper; Clerk Register; Advocat; Justice Clerk; Sir Robert Gordoun; Blakhal. Decreta, April 1635-February 1639. P. 413.

Supplication by John Brown of Carsleuthe

Supplication by John Brown of Carsleuche and John Fullertoun of Carletoun, as justices commissioned by their Lordships for the trial of

Decreta, April 1635 - February 1639. P. 413.

the slaughter of Peter Duncane, son of the deceased James Duncane, committed by James Glendoning, son of Mr Robert Glendoning, minister at Kirkcudbright, as follows:—They, having obediently accepted the commission, held a court on 15th September last within the tolbooth of Kirkcudbright and took the customary oath. They then called for the said James Glendoning, who was then a prisoner in the tolbooth of Kirkcudbright, and he, being produced before them and charged by the procurator-fiscal with the slaughter of the said Peter, confessed the same in judgment, declaring, however, upon his great oath and conscience that the thing was done suddenly and ignorantly by him, and not of "forethought fellonie," as he did not know the said Peter, and had never seen him before the unhappy occurrence, which was caused by a blow he gave him. They thereupon caused put the said James to the knowledge of an assise, who convicted him of the slaughter, but declared "that the same wes committed accidentallie and out of mere ignorance." The Lords had only given them power to try the case, and the supplicants have therefore continued the pronouncing of sentence until their Lordships should further direct them, They now humbly represent the case to their Lordships and that the said James has agreed with his party and given them full assithement, in return for which he has procured their letters of slains upon condition of his being banished the kingdom for life. The Lords direct the supplicants to pronounce sentence of banishment against the said James and to take him acted never to return to this kingdom upon pain of death. He is to remain in ward until some captain offer or some other sure way be found to transport him out of the country.

P. 414.

and John Fullarton of Carletoun anent the sentence to be pronounced on James Glendoning, who is guilty of accidental slaughter.

P. 420.[1]

[1 Omitted at its proper place in the Register.]

Complaint by Alexander Don, servitor to the Earl of Roxburgh, as follows:—The service of Andrew Haitlie of Snype as heir to his grandfather was lately exped before the Sheriff of Berwike and his deputes, and Mr Robert Hepburne, sheriff clerk of Berwike, was clerk and notary thereto. Having an interest in the matter, the complainer applied to the said sheriff clerk for an extract of this service, but he, against the duty of his office, refused to give it unless compelled so to do. Charge having been given to the said Mr Robert Hepburne, and the pursuer compearing personally and the defender being represented by Mr John Henderson, macer, his procurator, the Lords, after hearing parties, ordain the said Mr Robert Hepburne to give an extract of the said service to the pursuer upon his own reasonable charges to use in his lawful affairs as he may find occasion; and this as he will answer upon the duty of his office.

Complaint by Alexander Don, servitor to the Earl of Roxburgh, against Robert Hepburn, sheriff clerk of Berwick, for refusing the complainer the extract of an official document.

P. 421.

P. 430.[1]

[1 Omitted at its proper place in the Register.]

Supplication by James Crichtoun, lawful son to the Earl of Dumfreis, and bailie principal of the barony of Sanquhar, as follows:—James Paterson in Kerne was apprehended with the fang of a "rouch wedder sheep" which he had stolen from John McMichell in Kerne on 8th May last, and, having been tried by an assise, was convicted, but sentence was deferred until their Lordships should be consulted. Their direction is craved as to this. The Lords ordain sentence of banishment from this

Supplication by James Crichton, son of the Earl of Dumfries, and principal bailie of the barony of Dumfries anent the sentence to be pronounced on a sheep-stealer.

kingdom to be pronounced against him, and direct the said bailie when he gives sentence to take the said James Paterson acted to leave the country before 1st August next never to return again upon pain of death. Decreta, April 1635-February 1639. P. 430.

Similar supplication anent a person guilty of stealing corn.

Supplication by Sir Robert Colvill of Cleish, bailie of the Lordship of Culros, and Sir George Preston, younger of Valifeild and Gilbert Gourlay of Grange, his deputes, as follows:—In February last their Lordships granted a commission to the supplicants for the trial of Walter Fergie of Peatknawis for some thefts and to report their procedure. They had put the said Walter to the trial of an assise by whom he had been convicted upon his own confession and the depositions of witnesses of "stealing of three burden of cornes furth of the barnyaird of Solsgirth pertaining to James Gib of Cambhill and of the binding of ane sheepe." They ask now what sentence they shall pronounce. The Lords ordain them to sentence the said Walter Fergie to be banished the kingdom and to take him acted never to return under pain of death. Meanwhile he is to remain in ward until he can be delivered to some captain to be taken to the wars. P. 431.

William Oliphant in Gask Mylne, temporarily relieved from a summons to appear before the Council, as his accuser failed to appear.

This day compeared William Oliphant in Gask Mylne and produced a summons executed against him at the instance of Robert Hamilton of Kirkpottie, requiring him to compear before their Lordships on the 11th instant and answer to the charge of taking away thirty oxen out of the said Robert's lands of Blair; and, in respect that he was there present ready to answer and the pursuer had not compeared, he protested that no further process should be valid against him until he were summoned of new and his expenses paid. The Lords admit the protestation.[1]

Complaint by James Marquis of Hamilton, baron of the barony of Polmont and others, against Thomas Kincaid of Warriston and others for failing to erect dykes against the sea, whereby the lands of the complainers have been laid waste.

Complaint by James, Marquis of Hammiltoun, baron of the barony of Polmud, John Hammiltoune, chamberlain of Kinneill, Monteith of Randiefurd, Monteith in Saltcottis and John Sempill of Stainflat, heritors of the lands of Abbotscarse and vassals of the said Marquis, as follows:—The said whole lands are "dyked about for restraining the overflowing of the sea, quhilk at divers seasons will overreach almost the top of the compleaners cornes and wald undoubtedlie overflow thame yf they did not by the saids dyke preveene the same. But now of lait Thomas Kinkaid of Waristoun and Thomas and John Kinkaids, his sons, whois lands of Hewke and Saltcoitts and dyks upon the same lands ly nearest to the sea, against the dewtie of gentillmen and good neighbours hes thir three yeirs bygane suffered thair dykes to ly downe and wold never putt the same up howbeit often required be the said Johne Sempill, whois lands of Inshe ly contigue to his, whairthrow not onlie hes the sea overflowed the saids lands of Wareston, thair awne lands forsaids extending to xviij chalders of victuall and layd thame waist the said three yeirs, bot also the compleaners have susteaned verie great præjudice by the overflowing of the sea throw default of upholding the saids dykes, speciallie the saids lands of Insh pertaining to the said John Sempill, P. 432.

[1] This decreet is again recorded under date 12th July—p. 436.

Decreta, April 1635-February 1639. P. 432.

whilk payed ten chalders victuall yeirlie, have beene layed waist these three yeir bygane and made unprofitable to him. And the compleaners haill lands are lyklie in proces of tyme to be overflowed and destroyed by means of the said Lard of Warestoun his holding downe of his saids dyks to thair heavie hurt and prejudice." Charge having been given to Thomas Kincaid, elder of Warestoun, and to Thomas Kincaid, younger, and John Kincaid, his sons, and the said John Sempill compearing personally for himself and the remanent pursuers, and the said Thomas Kincaid of Warestoun also compearing for himself and his sons, and both having been heard, the Lords grant a commission to John Steill in Manwell, Patrick Grinlay in Reddoch and Henry Ballantyne in Litill Carse for the part of the Laird of Warestoun; and to James Monteith of Carsibanks, James Alexander in Reddoch and John Fleming in Falkirk for the part of the pursuers, or any four of them, two for either party, to meet upon the ground of the lands libelled at such times as parties may arrange, take note of the damages and settle parties, and report their proceedings to the Council on the first Council day of September next.

P. 433.

Acta, May 1636-November 1636. Fol. 256, a.

Sederunt:—Treasurer; Privy Seal; Mar; Morton; Kingorne; Hadinton; Lauderdaill; Southesk; Belheaven; Lorne; Naper; Clerk Register; Advocate; Justice General; Treasurer Depute; Justice Clerk. Holyrood House, 26th June 1638.

Charge to the gentlemen of the Lennox to assist such persons as have been spoiled by broken men from the Highlands in the recovery of their goods.

"Forsamekle as the Lords of Secreit Counsell ar informed that there is numbers of the disordered and brokin clannes of the Hielands, who, being wearied of the peace and quyetnes quhilk under his Majesteis blessed governement wes established in the Hielands, ar now brokin louse and in troupes and companeis comes doun to the incountrie and lawland where they committ not onelie private stouthes but opin and avowed reaffes, heirshippes and depredations, besides a number of others insolenceis upon his Majesteis peaceable and good subjects and upon William Stewart in Kilmaronnock and Johne Grahame in Callingad and others inhabiting the lawland, especiallie within the bounds of the Lennox; and whereas the parteis susteaning skaith be stouth or maisterfull reaffe doe rise and follow the saids theeves for recoverie of thair goods they ar not assisted by the gentlemen and others of power within the saids bounds, who, out of a peevish feare or some other privat respects not beseeming gentlemen of worth and credite, doe connive and suffer the saids brokin lymmars to goe by thame without so muche as shoutting thame, whairthrow they ar encouraged to continew thair wicked deads; and if the gentlemen and others of power and credite within the saids bounds did thair dewteis in following the saids brokin men and theeves, and concurring with the persons susteaning skaith, the course of thift and stouthreaffe and other insolenceis would not be so frequent and commoun; and thairfoir the Lords of Secreit Counsell ordains letters to be direct charging all and sindrie his Majesteis subjects within

Fol. 256, b.

the bounds of the Lennox be opin proclamation at the mercat croce of Dumbartane and parish kirks within the saids bounds upon Sundayes before noone in time of sermon or prayers, that they and everie ane of thame in thair most fensible maner rise, putt thameselves in armes, concurre and assist the saids William Stuart and Johne Grahame and others his Majesteis subjects susteaning skaith in the following and persewing of the saids brokin lymmars and theeves and recoverie of the stollin and reft goods at all suche times as they sall be advertised by hearing of the fray or anie other advertisement that sall be sent unto thame, under all highest pane that by course of law may be inflicted upon thame."

Acts, May 1636–November 1639. Fol. 256, b.

Holyrood House, 26th June 1638.

[Sederunt as recorded above.]

Decreta, April 1635–February 1639. P. 416.

Supplication by John M'Leod of Dunvegan to be relieved from appearing before the Council on the 10th of July.

Supplication by John McCleud of Dynevegane as follows:—The 10th of July, which is the diet appointed for the appearance of the islanders before their Lordships, now approaches, and the supplicant gave his appearance latelie in December last at Linlithgow, remaining in these parts at great expense. He at that time intreated their Lordships to dispense with his appearance on this occasion, and was put in hopes of obtaining this if no complaints were made about him. He is persuaded that their Lordships have received no complaints against him, "yitt still being als legall and peaceable as anie in the countrey, wherein he resolves to continew so long as he lives. And wheras lykwayes the countrey is not sattled and his absence from his awne countrey, wher rude people take advantage of appeirances of alterations, may prove dangerous, he craves that their Lordships would dispense with his appearance on this occasion. This the Lords grant but for this diet only.

P. 417.

Supplication by the gentlemen of the Isles that they may for the present be relieved from appearing before the Council, as the present tumults in the kingdom have unsettled the Isles.

Supplication by the gentlemen of the Yles who are under caution for their yearly compearance before the Lords on 10th July, as follows:—Since being put under this form of caution "they have beene verie sollicite and carefull to keep the conditions thairof and hes striven aganis manie difficulties to retain and hold the wholl inhabitants within thair bounds under obedience of law and justice, so as the saids Lords hes not beene muche troublit with anie complaints aganis thame or anie for whom they ar obleist to answer. And they may trewlie affirme unto the saids Lords that the condition of the Yles for the present is in as good estate as manie parts of the countrey. But now the bruits and rumor of trouble whilks ar so far current throw the countrey is lyke to stirr up dissobedient and broken persons to renew thair former wicked lyfe, and they ar lying at await to breake loose upon the first hearing of trouble; so that yf they be not at home to suppresse and hold downe thair wicked hopes and resolutions, they cannot be answerable for the peace of the countrey; wheras yf they be allowed be the saids Lords to byd at home they are in good hop to retaine and hald thair haill bounds under obedience, wherof they have thought meit to mak the said Lords

Decreta, April 1635-February 1639. P. 418.

acquainted." They crave that their appearance on this occasion may be dispensed with, and this the Lords grant but for this diet only.

Complaint by John M'Bain, burgess of Glasgow, against the magistrates of Glasgow for illegal warding.

Complaint by John McBane, dagmaker, burgess of Glasgow, as follows: —On June instant, James Stewart, provost of Glasgow, and John Andersone, bailie there, accompanied by several of their officers, came early in the morning to the complainer's dwelling house, "wher he was lying naked in his bed and heavilie visited with seeknes, and caused sax of the rude officiars put violent hands in the compleaners persone and in a shamefull and disgracefull maner harled and drew him out of his naked bed and forced him with manie threatnings to put on his cloaths and then carried him to the tolbuith and committed him to strait ward in that rowme wher criminalls ar keeped, wher they keep and deteane him as yitt as yf he wer ane malefactor or theife," he having done no wrong. Charge having been given to the said provost and bailie, and the pursuer compearing personally, the said John Anderson also compeared for himself and the said James Stewart and produced certain acts and rolments of court of the city of Glasgow, especially an act dated 19th June instant setting forth that the pursuer was committed to ward in the tolbooth of Glasgow for his contempt and disobedience to the magistrates, refusing to enter into ward and to find caution for the indemnity of Andrew Pittigrew in Glasgow and Christian Dalgleish, his spouse.

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The Lords, after hearing parties and seeing the said productions, find that this complaint is groundless and only for the purpose of drawing the defenders to needless expenses, and they therefore ordain the complainer to enter himself in ward within the tolbooth of Glasgow before sunset of Thursday next and remain therein during the pleasure of the provost and bailies. He is to find caution for doing this. Whereupon the said John McBane, with David Kirkwood in Glasgow, his cautioner, enacted himself to obey this decree under the penalty of 1000 merks. The Lords further ordain ten merks to be paid to each of the witnesses.

Sederunts, February 1635-November 1643. Fol. 60, a.

The Earl of Findlater's patent.

"The quhilk day the Erle of Finlatters patent wes produced and receaved be the Erle of Morton and ane act past thereupon."

Acta, May 1636-November 1639. Fol. 256, b.

Holyrood House, 28th June 1638.

Sederunt:—Commissioner; Treasurer, Privy Seal; Mar; Morton, Linlithgow; Kingorne; Hadinton; Lauderdaill; Southesk; Belheaven; Lorne; Naper; Clerk Register; Justice General; Advocate; Deputy Treasurer; Justice Clerk.

George, Earl of Kinnoul, admitted to the Council.

"The whilk day the Lords of Secreit Counsell, according to ane warrant and direction in writt signed be the King's Majestie and this day presentit to thame, receaved and admitted George, Erle of Kinnoull,[1] to be one of the number of the Lords of his Majesteis Privie Counsell of this kingdome and to bruike and injoy all honnours, titles, digniteis,

[1] George Hay, second Earl of Kinnoul, succeeded to the title in 1634, and from 1632 to 1635 had been Captain of the Yeomen of the Guard. He remained a firm royalist till his death at Whitehall in 1644.

priviledges and prerogatives proper and dew to the said place. Lykeas the said Erle of Kinnoull, being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin to him in preferring and advancing him to this high place of honnour and dignitie, he with all submissive reference on his knees, his hands lying on the halie evangell, made and gave his solemne oath of alledgeance and of a privie counseller. Followes his Majesteis missive for warrant of the act abonewrittin:—CHARLES R.—Right reverend father in God, and right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers we greit yow well. Being informed of the abiliteis and sufficiencie of our right trustie and weilbelovit cousine, the Earle of Kinnoull, and of his affection to do ws service, we ar willing for his better enabling and encouragement to advance and promove him to be one of our Privie Counsell of that kingdome. It is our pleasure that, having administred unto him the oath accustomed in the like caises, yow admitt and accept of him as one of your number; for the whiche these presents sall be your warrant. We bid yow farewell. From our Court at Whitehall, the tenth of May, 1638." Acta, May 1636-November 1639. Fol. 256, b.

[Sederunt as recorded above.]

Holyrood House, 28th June 1638.

Decreta April 1635-February 1639.

Complaint by Thomas Sanderson in Earlston against Thomas Cranston, portioner of Birkinside and others for forcibly dispossessing him of four tenements in the burgh of Lauder.

Complaint by Thomas Sandersone in Ersiltoun, as follows:—He has been duly infeft in four tenements of land in the burgh of Lawder; but Thomas Cranstoun, portioner of Birkinside, pretending right thereto and alleging that he had an action of reduction thereanent against the complainer, obtained a warrant from the Lords of Session to the Commissary of Lauder "to search the hous and inventar the writts and other things being therein, under cullour wherof the said commissar about ane yeer since or therby tooke possession of the said house and keeped the same locked and the keyes in his custodie the said space of ane yeer, till now laitlie upon the first of Junii instant the said Thomas Cranstoun, accompanied with Thomas Murray, burges of Lauder, William Wilkison, Johne Cranstoun and William Bannatyne there, Tait in Eckills, William Moffet, servitour to Alexander Wilkison, toune clerk of Lauder, the said Alexander, John and Andro Smiths in Lauder, Archibald Alane in Birkinside and Johne Huntrods, younger ther, boddin with swords, lances, halberts and others weapons invasive, all of the speciall causing, sending, hunding out, command, resset, assistance and ratihabitioun of the said Thomas Cranstoun, came under cloud and silence of night to ane of the saids tenements, the doores wherof had beene shutt, as said is, the space of ane yeer and the keyes in the said commissars possession, and the said Thomas, at least the persons forsaid, at his direction brak up the doores of the house and hes keepit the same, as he yitt does, with a nomber of desperate persons armed with unlawful weapons. And to cleere this his fact, upon the last of May, the day P. 421. P. 422.

Decreta, April 1635-February 1639. P. 422.

befor the taking of the house, the said Thomas Cranston, being in Edinburgh in the house of Andro Purves, stabler, affirmed that he sould gett possession of the house whatever it might import him. And that same night, rancountring Thomas Murray, notar, he desired him to go back to Lauder and take instruments in his hand that he had fund the doores of the house opin; wherby not onlie is the compleaner put from his possession, but that the said Thomas Cranston hes most unlawfullie without order possest himselfe therin." Charge having been given to the said Thomas Murray, Andrew Smith, William Wilkison, William Moffet, Thomas Cranstoun, Archibald Allane and John Huntrods, to appear on the 28th instant, on the 26th the pursuer compeared by Mr John Nisbet, his procurator, and the defenders by Mr William Cranstoun in Edinburgh, their procurator. The latter objected to the pursuer appearing by a procurator, as it was against the form and order constantly observed in this judicatory. Upon this point the Lords find that "ane advocat cannot be substitute as ane procurator to compeir before the saids Lords for ane persewar," and therefore

P. 423.

they ordain the pursuer to compear himself personally on Thursday next, the 28th instant, "or ellis to substitute ane other persone for him not being of the qualitie of ane advocat." The cause being again called on the 28th June, the pursuer compeared personally, and so did of the defenders Thomas Murrey, William Wilkison, Thomas Cranstoun, and Alexander Wilkison. After hearing parties the Lords find and declare that the pursuer was in possession of the said house in terms of an instrument under the sign and subscription of Andrew Edmeston, notary, narrating that on 6th September, 1636 "Mark Sanderson, burgess of Lawder, of his awin proper will, uncompellit, removed himselfe and his familie and certane of his insight and plenishing furth of the house lybelit, patt out the fyre, steekit the doore and therafter opened the same and patt Thomas Sanderson, his brother, in possession of the said house, and gave him actuall, real and corporall possession of the same and gave him the key of the hall doore"; the Lords declaring this form of proof to be sufficient where the party is heard and nothing brought nor said against the same. The other point of the summons respecting the repossession of the pursuer in the said house their Lordships remit to the judge ordinary. Also they assoilzie the defenders who have compeared from the complaint against them, because upon the probation being referred to their oath of verity they, on being sworn, denied the charge. The two non-compearing defenders, Andrew Smith and William

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Moffet, the Lords ordain to be put to the horn and escheated.

Petition by James Stark of Achinvoll for execution of horning against Mr Archibald Graham, minister,

James Stark of Achinvoll, compearing this day before the Lords, produced letters of horning raised at his instance charging Mr Archibald Grahame, minister, to remove out of the parish of Mayabroch and betake himself to the city of Glasgow, there to remain until he should be relaxed by his ordinary, as also a summons charging him to appear and see the said horning suspended, and because he was there ready to

answer this summons and no appearance was made by or on behalf of the said Mr Archibald Grahame, he protested that he should not be required further to answer thereto, and that the horning should be put to execution. The Lords admit the protestation and ordain the officers to cause the horning to be executed.

Decreta, April 1635-February 1639. P. 424.

Holyrood House, 30th June 1638.

Sederunt:—Commissioner; Treasurer; Privy Seal; Morton; Linlithgow; Wigtoun; Kingorne; Hadinton; Kinnoull; Southesk; Lorne; Naper; Advocate; Justice Clerk.

Acta, May 1636-November 1639. Fol. 257, a.

Order by his Majesty that the Council and the Courts of Justice resume their meeting in Edinburgh.

"Forsamekle as upon severall considerations his Majestie wes pleased to remove his Counsell, Session and others his Majesteis judicatoreis frome the citie of Edinburgh to the burgh of Linlithgow, and thereafter to Stirline, as places to quhilks his Majesteis good subjects might convenientlie repaire for administration of justice, but being informed that his Majesteis counsellers, senators of the Colledge of Justice and others judges ar not there fitlie and sufficientlie provydit with all and everie thing necessar for the administration of justice, nather yitt his Majesteis others good subjects weill accommodat for thair attendance upon the saids judicatoreis, his Majestie, out of his tender and fatherlie care for the good of his people, laying aside all other respects, is graciouslie pleased to allow and permitt for the more tymelie and convenient dispatche of justice, that the saids judicatoreis sall sitt at Edinburgh as formerlie they have done, and the Lords of the Session to sitt doun on Tuisday nixt. And for this effect his Majestie, with advice of the Lords of his Secreit Counsell, ordains intimation and publication to be made heirof at the mercat croce of Edinburgh and others places neidfull, quhereby this his Majesteis pleasure may be made knowne to the saids judges and all others his Majesteis subjects and they warranted to repaire thither for attending and prosecuting thair lawfull affaires before the saids judges or judicatoreis."

Robert, Lord Dalzell, admitted to the Council.

"The whilk day the Lords of Secreit Counsell, according to ane warrant and direction in writt, signed be the King's Majestie and direct to the saids Lords, and read in thair audience, receaved and admitted Robert, Lord Dalyell,[1] to be one of the number of the Lords of Privie Counsell of this kingdome, and to bruike and enjoy all honnours, titles, digniteis, priviledges and prerogatives proper and dew to the said place. Lykeas the said Lord Dalyell, being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin to him in preferring and advancing him to this high place of honnour and dignitie, he with all submissive reverence on his knees, his hands lying on the halie evangell, made and gave his solemne

[1] Sir Robert Dalzell of Dalzell was raised to the peerage under the title of Lord of Dalzell in 1628, and succeeded his father as second Earl of Carnwath in 1639. He remained a staunch royalist. Lord Clarendon attributes to him the loss of the battle of Naseby through his seizing the bridle of the king's horse, and diverting him from his intended charge on the enemy.

Acta, May 1636-November 1639. Fol. 257, b.

oath of alledgeance and of a privie counseller. Followes his Majesteis missive for the act abonewritten:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellers, right trustie and trusty and weilbelovit counsellers, we greit you weill. Being informed of the abilitie and sufficiencie of our right trusty and weilbelovit the Lord Dalyell, and of his affection to doe us service, we ar pleased for his better enabling and encouragement to continue in the same to promove him to be ane of our Privie Counsell of that kingdome. It is our pleasure that, having administred unto him the oath in the like caises accustomed, yow admitt and accept of him as one of your number, for whiche these presents sall be your warrant. We bid yow farewell. Frome our Court at Whitehall, the tenth of May, 1638."

Sederunt:—Commissioner; Treasurer; Privy Seal; Mar; Morton; Winton; Linlithgow; Wigton; Kingorne; Hadinton; Lauderdaill; Kinnoull; Southesk; Lorne, Naper; Dalyell; Clerk Register; Advocate; Deputy Treasurer; Justice Clerk. Holyrood House, 2nd July 1638.

"The whilk day the Lords of Secreit Counsell, according to ane warrant and direction in writt, signed be the King's Majestie and this day presentit to thame, receaved and admitted William, Erle Mairshell,[1] to be one of the Lords of the Privie Counsell of this kingdome and to bruike and injoy all the honnours, digniteis, priviledges and prerogatives proper and belonging thereto. Lykeas the said Erle Mairshell, being personallie present and acknowledging with all humble reverence his Majesteis gracious favour showin unto him in preferring and advancing him to this high place of honnour and dignitie, he with all humble reverence on his knees, his hands lying upon the halie evangell, made and gave his solemne oath of alledgeance and of a privie counseller. Followes his Majesteis warrant for the act abonewrittin:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trusty and trusty and weilbelovit counsellers, we greit yow weill. Being informed of the abilitie and sufficiencie of our trustie and weilbelovit cousine, the Erle Mairshell, and of his affection to doe ws service, we ar pleased for his better enabling and encouragement to continue in the same to promove him to be ane of our Privie Counsell of that kingdome. It is our pleasure that, having administred unto him the oath in the like caises accustomed, yow admitt and accept him as one of your number, for whiche these presents sall be your warrant. We bid yow farewell. From our Court at Whitehall, the 16 of May, 1638." William, Earl Marischal, admitted to the Council.

"The whilk day the Lords of Secreit Counsell, according to ane warrant and direction in writt, signed be the King's Majestie and this James, Lord Almond, admitted to the Council,

[1] William, seventh Earl Marischal, succeeded to the title in 1635. His subsequent career proved that Charles was justified in placing confidence in his loyalty.

day presentit to thame, receaved and admitted James, Lord Amount,[1] to be one of the Lords of the Privie Counsell of this kingdome and to bruike and injoy all the honnours, digniteis, priviledges and prerogatives proper and belonging thereto. Lykeas the said Lord Amount being personallie present and acknowledging with all dewtifull respect his Majesteis gracious favour showin unto him in preferring and advancing of him to this high place of honnour and dignitie, he, with all humble reverence upon his knees, his hands lying upon the halie evangell, made and gave his solemne oath of alledgeance and of a privie counseller. Followes his Majesteis warrant for the act abonewrittin:—CHARLES R.—Right trusty and right weilbelovit cousine and counseller, right reverend father in God, and right weilbelovit counseller, right trustie and weilbelovit cousins and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weil. Knowing by a long prooffe in our service the abiliteis and sufficiencie of our right trusty and weilbelovit James, Lord Amount, and of his affection to continue therein, we ar willing for his greater encouragement and better enabling him thereunto heerafter to promove him to be one of our Privie Counsell of that our kingdome. It is thairfoir our pleasure that, having administred unto him the oath accustomed in the like caises, yow admitt and receave him amongs yow as one of your number, for whiche these sall be your warrant. We bid yow farewell. From our mannour of Greenwiche, the 20 of June, 1638." Acta, May 1636–November 1639. Fol. 257, b. Fol. 258, a.

Sitting of the Council and the Session in Edinburgh.

"Ane letter to his Majestie anent the sitting of the Counsell and Sessioun at Edinburgh." Sederunts, February 1635–November 1643. Fol. 60, b.

Holyrood House, 4th July 1638.

Sederunt:—Commissioner; Treasurer; Privy Seal; Morton; Linlithgow; Wigtoun; Kingorne; Hadinton; Annerdaill; Lauderdaill; Kinnoull; Southesk; Belheaven; Lord Angus; Lord Lorne; Lord Naper; Lord Dalyell; Lord Amount; Clerk Register; Justice General; Advocate; Deputy Treasurer; Justice Clerk. Acta, May 1636–November 1639. Fol. 258, a.

Declaration by his Majesty annulling the Acts of Council enforcing the Service-book, and promising that henceforward he will press the said book only in a fair and legal way.

"Charles, be the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, to our lovitts, etc., heralds, etc., messengers, our shireffs in that part, conjunctlie and severallie, speciallie constitute, greiting. Forsamekle as we ar not ignorant of the great disorders quhilks have happenned of late within this our ancient kingdome of Scotland, occasiouned (as is pretended) upon the introduction of the Service Booke, Booke of Canons and High Commission, thereby fearing innovation of religion and lawes, for satisfaction of the quhilks feares we weill hoped that the twa proclamations of the ellevint of

[1] James Livingstone, third son of the first Earl of Linlithgow. He was created Baron Livingstone of Almond in 1633, a title which in 1641 he changed for that of Earl of Callendar and Baron Almond. He played a prominent part in the revolt against Charles's authority, first siding with the covenanters and subsequently with the king.

Acta, May 1636–November 1639.

Fol. 258, a.

Fol. 258, b.

December and nynetene of Februar had beene abundantlie sufficient, nevertheles finding that disorders have daylie so increast that a powerfull rather then perswasive way might have beene justlie expected frome ws, yitt we, out of our innative indulgence to our people, greeving to see thame runne thameselves so headlong into ruine, ar graciouslie pleased to try if by a faire way we can reclame thame frome thair faults rather then to lett thame perish in the same. And thairfoir once for all we have thought fitt to declare and heirby to assure all our good people that we nather ar, wer, nor by the grace of God ever sall be stained with popish superstition, but by the contrare ar resolved to mainteane the true protestant christian religion alreadie profest within this our ancient kingdome. And for forder cleering of scruples we doe heirby assure all men that we will nather now nor heerafter presse the practise of the foresaid canons and Service Booke, nor anie thing of that nature but in suche a faire and legall way as sall satisfie all our loving subjects that we nather intend innovation in religion or lawes. And to this effect have givin orders to discharge all acts of Counsell made thereanent; and for the high commission we sall so rectifie it with the helpe and advice of our Counsell that it sall never impugne the lawes nor be a just greevance to our loyall subjects; and what is farther fitting to be agitat in Generall Assemblie or Parliament for the good and peace of the kirk and peaceable governement of the same for establishing of the religion presentlie profest sall lykewayes be takin into our royall consideration in ane free Assemblie and Parliament whiche sall be indicted and callit with our best conveniencie. And we heirby take God to witnes that our true meaning and intention is not to admitt of anie innovations ather in religion or lawes, but carefullie to mainteane the puritie of religion alreadie profest and established and nowayes to suffer our lawes to be infringed. Also, we cannot be ignorant that there may be some disaffected persons who will strive to possesse our good subjects that this our gracious declaration is not to be regarded, yitt we do expect that the behaviour of all our good and loyall subjects will be suche as may give testimonie of thair obedience and how sensible they ar of our grace and favour that thus passeth over thair misdemeanours, and by thair future cariage make appeare that it wes onelie feare of innovation that caused the disorders whiche have happenned of late within this our ancient kingdome, and ar confident that they will not suffer thameselves to be seduced and misled to misconstrue us and our actions but rest heartilie satisfied with our pious and reall intentions for maintenance of the true religion and lawes of this kingdome. Quhairfoir we require and heartilie wishe all our good people carefullie to advert to these dangerous suggestions and not to permit thameselves blindlie under pretext of religion to be led in dissobedience and drawn on infinitelie to our greeffe, thair owne ruine, which we have and still sall strive to save thame frome so long as we see not our royall auctoritie shaiken aff, and most unwillinglie sall make use of that power [with] whiche God hath indued us for reclaming of

dissobedient people. Our will is heirfoir and we charge yow straitlie and commands that incontinent thir our letters seene yow pas to the mercat croce of our burgh of Edinburgh and all others places neidfull, and there be opin proclamation make publication heirof to all and sindrie our good subjects, wherethrow nane pretend ignorance of the same; the quhilk to doe we committ to yow conjunctlie and severallie our full power be thir our letters, delivering the same be yow dewlie execute and indorsat agane to the bearer. Givin at our Court of Greenewiche, the 28 day of Junij, and of our raigne the fourteene yeere, 1638. Per Regem." Acta, May 1636–November 1639. Fol. 259, a.

Holyrood House, 5th July 1638.

Sederunt:—Commissioner; Treasurer; Privy Seal; Mairshell; Mar; Morton; Winton; Lithgow; Wigton; Kingorne; Hadinton; Annerdaill; Lauderdaill; Kinnoull; Southesk; Lord Angus; Lord Lorne; Lord Elphinston; Belheaven; Naper; Dalyell; Clerk Register; Advocate; Treasurer Depute; Justice; Justice Clerk; Amount.

Charge to Alexander Bannerman of Elsick to enter into ward for assaulting Sir Archibald Douglas of Spott at the door of the Council-house.

"Forsamekle as albeit the persute and invasion of anie of his Majesteis subjects within his Majesteis Counselhous hes beene verie straitlie prohibite and discharged be the lawes of this kingdome, yitt it is of truthe that there being ane action persewed this day before his Majesteis Counsell betuix the Lord Fraser and the laird of Phillorth, and they being attending at the Counselhous doore, accompanied with some of thair friends, one Alexander Bannerman of Elsick, perceaving Sir Archibald Douglas of Spott standing at the Counselhous doore he most contemptuouslie and disgracefullie strake the said Sir Archibald with his neiff, his Majesteis Commissioner and Counsell being sitting at Counsell for the time; quhilk being a crime of wicked exemple aucht to be severelie tane order with to the terror of others, thairfoir ordains a maisser of Counsell to pas and charge the said Alexander Bannerman be opin proclamation at the mercat croce of Edinburgh to enter his person in ward within the tolbuith of Edinburgh betuix and the morne at twelffe of the clocke in the forenoone, under the pane of rebellion, etc., with certification to him, if he faillie, he sall not onlie be denunced rebell and his movable goods escheit, but with that he sall be persewed as a most rebellious and dissobedient person."

Holyrood House, 5th July 1638.

[Sederunt as recorded above.]

Decreta, April 1635–February 1639. P. 425.

Complaint by James Dalziel in Cockburnspath against Duncan Paterson and John Neilson, his servant, for hamesucken.

Complaint by James Dalyell in Coldbrandspeth as follows:—On June last Duncan Patersone, brother of Mr John Paterson, parson of Aldhamstoks, and John Neilson, his servant, came by way of hamesucken to the complainer's house, and "without respect of his aged and decrepit bodie, being past three score fourteene yeers, and without anie just caus of offence done be him to thame, they patt violent hands in his persone

Decreta, April 1635–February 1639. P. 425.

and with battons and great rungs gave him manie bauch, blae and bloodie straiks in diverse parts of his bodie to the effusion of his blood, and so birsed and bruised his haill bodie as ever since he hes beene in great hazard of his lyff, unable to stirre or travell; committing therethrow ane verie great oppression most unseemelie and strange in the persone of a preacher." The pursuer compearing personally but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Sederunts, February 1635–November 1643. Fol. 60, b.

"Ane act anent the Service Booke, Booke of Cannons and High Commissioun." Service-book, Book of Canons, and High Court of Commission.

Acta, May 1636–November 1639.

Sederunt ut die prædicto, except Belheaven. Holyrood House, 6th July 1638.

Fol. 259, a.

"Forsamekle as Alexander Bannerman of Elsick, having latelie most proudlie and disgracefullie invaded and persewed Sir Archibald Douglas, knight, at the Counselhous doore, his Majesteis Commissioner and the Lords of Privie Counsell being sitting in Counsell for the time, and he being charged for this his high and proud contempt to have entered his Fol. 259, b. person in waird within the tolbuith of Edinburgh within a certane space now bygane, he taking the crime upon him and fearing the event of his tryell and his just deserved punishment, hes dissobeyed the said charge and hes not entered his person in waird, but in contempt of law and justice stands out in his dissobedience; for the quhilk he aucht not onelie to be denunced rebell but sould be persewed and exemplarlie punished to the terror of others, and thairfoir the Lords of Secreit Counsell ordains letters to be direct charging officers of armes to pas and denunce the said Alexander Banerman rebell, etc., and to escheit, etc." Alexander Banderman of Elsick denounced rebel for refusing to enter into ward. See *ante*, p. 34. Holyrood House, 6th July 1638. Robert Hamilton of Cathkin appointed justice of peace.

Justices of Peace, 1612–1639. Fol. 73, a.

"The quhilk day Robert Hamilton of Catchkin wes adjoynned to the justices of peace within the shirefdome of Lanerk."

Decreta April 1635–February 1639. P. 425. P. 426.

[No record of Sederunt]. Holyrood House, 7th July 1638.

This day John, Earl of Lauderdaill, David, Earl of Southesk, and Archibald, Lord Lorne, as judges and arbitrators appointed by the Lords for settling the differences between Andrew, Lord Fraser, and Alexander Fraser of Philorth, having met and heard parties at length, find "that the principall cause of the present differences betuix the said parties is anent the right and title acclamed be either of thame to the land callit the Eale Ark, which lands the saids lords arbiters be thair decreit and sentence arbitrall decerns in all tyme comeing to appertaine to the said Lord Fraser as a part and pertinent of the lands of Carnebulge, and the said Laird of Philorth to have no right nor title thairto, bot to be peaceablie bruiked be the said Lord Fraser as his awne proper heritage with free accesse, ingresse and regresse. And, to the intent that no new question may arryse betwix the saids parties anent the saids lands, the saids Lords arbiters decernis the said Lord Fraser to big ane dyke of faile or cast ane seuche about the saids lands callit Decision in the case of the contention between Andrew, Lord Fraser, and Alexander Fraser of Philorth anent the land called Eale Ark.

the Eale Ark, so that the dyke nor seuche extend not the bounds of the old water gang; and decerns the Lord Fraser to make his passage forsaid to the said Eale Arke throw his awin bounds and not throw Philorths bounds; and ordains the said Laird of Philorth to have a care that nane of his bestiall and goods come upon that ground heirafter." They further ordain the parties to discharge to each other their respective actions of lawburrows and live in peace and friendship, "as formerlie they wer wont to do, and as becomes persons of thair ranke and qualitie, standing so neir in blood and freindship." The said parties "promeist to keepe this present freindship unviolat betuix thame and in tokin heirof they imbraced others and tooke on another be the hand." Decreta, April 1635–February 1639. P. 426.

Holyrood House, 10th July 1638.

Sederunt:—Treasurer; Privy Seal; Mar; Kingorne; Hadintoun; Galloway; Lauderdail; Kinnoul; Lord Naper; Clerk Register; Advocate; Deputy Treasurer; Justice; Justice Clerk.

Complaint by James Whitehead against Robert Keith, merchant-burgess of Edinburgh, for illegal warding.

Complaint by James Quhytheid, prisoner in the tolbooth of Edinburgh, as follows:—He is detained in ward at the instance of Robert Keith, merchant burgess of Edinburgh, for not finding lawburrows to him and removing from some houses of Currie to which he pretended right, notwithstanding that in August 1637 their Lordships ordained that he should be put to liberty on his acting himself for the indemnity of the said Robert and for his removal from the lands in question, under the pain of infamy, the said Robert paying him the sum of £40 after his removal. The complainer shortly thereafter performed what was incumbent upon him, and yet he is still detained in misery by the said Robert under a caption executed against him at the instance of William Murray of Langhermistoun, whose right the said Robert has acquired. He claims therefore not only his liberty but that the said Robert should be decerned to pay to him the sum of £40 and to pay his jailor fee and expenses since the date of the said decreet. Charge having been given to the said Robert Keith and William Murray to have compeared on 26th June last, and also to the provost and bailies of Edinburgh to exhibit the complainer that day, and the pursuer and Robert Keith compearing personally and having been heard, the Lords ordained the pursuer to be put to liberty upon his acting himself for the indemnity of the said Robert Keith and his tenants and servants under pain of perjury and defamation, and removing himself and his wife and daughters from the houses and lands in question within eight days. They also ordained the pursuer to compear at the expiry of these days and report his obedience, and, this being done, they ordained the said Robert Keith to pay him £40. The case being again called this day the pursuer compeared, but not the said Robert Keith, whereupon the Lords ordained letters of horning to be directed against the provost and bailies of Edinburgh to put the complainer to liberty in so far as he is warded at the P. 427. P. 428.

Decreta, April 1635–February 1639. P. 428.

instance of the said Robert Keith and William Murray; and further ordained Robert Keith to pay to the pursuer £40 as decerned in the decree of 23rd August last; because the pursuer had acted himself as directed, and also produced an instrument under the hand of James Navie, notary, bearing that on 3rd July instant Katharine Tarbit, spouse of the said James Quhytheid, removed herself with James Alexander and Mary Quhytheid from these houses, onsteads, yard and pertinents lying within the town and parish of Currie and sheriffdom of Edinburgh sometime occupied by her and her husband, and now inhabited by John Quhitheid, their son; and further, because on the allegation by the said Robert Keith that he had already paid a great part of the £40 to the pursuer, and the proof of this having been referred to the pursuer's oath, he on being sworn declared that he had not received the said sum nor any part thereof.

Sederunt:—Treasurer; Privy Seal; Mar; Kingorne; Galloway; Kinnoul; Clerk Register; Justice; Treasurer Depute; Justice Clerk. Holyrood House, 12th July 1638.

Complaint by Janet Polwart, widow of Robert Drew, notary in Glasgow, as follows:—On 5th June last John Baird, portioner of Achinloich, came to her dwelling house in Glasgow and apparently in friendly manner desired inspection of two bonds for 100 merks which he was due to her deceased husband. Suspecting no evil, she showed him the bonds, and, P. 429. when he got them into his hands, "he verie shamefullie and unhonestlie rave the same in peeces, to the poore womans verie great hurt and prejudice, intending thairby to defraud her and her barns of their moneyes." Both pursuer and defender compearing personally, the pursuer for instructing her complaint produced a submission by them dated at Edinburgh and Glasgow 22nd June and 6th July, 1637, "quhairby the riving of the saids bands" and all other matters in question between them are submitted to the arbitration of John Boell of Kelburne, Comissary of Glasgow, for the part of the pursuer, and Mr John Dunlop of Garnekirk for the part of the defender; and the Lords, after hearing parties, direct them to renew this their submission. This they did in presence of the Lords, making choice of the same arbitrators, who are to determine the satisfaction to be given to the pursuer by the defender for the tearing of the two bonds, each containing the sum of fifty merks, and what writs the said Janet shall deliver up to the said P. 430. John, which she has of his in her keeping, especially a bond by him to Wiiliam , portioner of Achinloich, for the sum of dated , and that before 1st November next. And the parties bind themselves under a penalty of £20, in addition to fulfilling their contract, to abide by the unanimous decision of the said arbiters. The Lords also ordain them to report their proceedings before 1st November so that further order may be taken herein; and, because "the ryving of bands

Complaint by Janet Polwarth, widow of Robert Drew, notary in Glasgow, against John Baird, portioner of Achinloich, for destroying two bonds for sums due by the said John to her deceased husband.

is a high contempt of auctoritie and a matter of dangerous preparative," they fine the defender in 100 merks to be paid to his Majesty; and assign the same to the said pursuer."[1] Decreta, April 1635–February 1639. P. 430.

Edinburgh, 19th July 1638.

Sederunt:—Treasurer; Mar; Kinnoull; Belheaven; Clerk Register; Advocate; Justice; Deputy Treasurer; Justice Clerk. Acta, May 1636–November 1639. Fol. 259, b.

William Forsyth, notary, condemned to banishment.

"The Lords of Secreit Counsell, having heard and considderit the proposition made be the Lord Cheefe Justice unto thame tuicheing the doome to be pronunced aganis Williame Forsyth, notar, and Thomas Tulloch, who are convict of falsett, the saids Lords advises the said Lord Justice to pronunce doome aganis the said Williame Forsyth, ordaining him to be banished this kingdome and to be tane actit in the bookes of adjournall that he sall never returne agane within the same nor yitt exerce his office of notar under the pane of death, and that he be tane to the mercat croce of Edinburgh with a paper on his forehead, bearing a note of the caus for the quhilk he is sett there; and that he stand at the said croce bareheaded fra ellevin till twelffe of the clocke, and then to be caried back to his waird to be keeped there till the commoditie be had of some captane who will take him out of the countrie. And tuicheing the said Thomas Tulloch the saids Lords advises the Justice to superseed the pronuncing of doome aganis him for some certane space during the said Lord Justice his will and pleasure and till he find meit to pronunce the same."

Edinburgh, 19th July 1638.

[Sederunt as recorded above.] Decreta, April 1635-February 1639. P. 433.

Decree of Council anent a dispute between Patrick Reid, skipper in Prestonpans, and James Bruce, merchant in Edinburgh.

In the action pursued by Patrick Reid, skipper in Prestonpanns, against James Bruce, merchant of Edinburgh, for certain injuries and wrongs done to him by the said James within and without the country and for committing him to ward in the tolbooth of Edinburgh for not finding caution to answer at law, both parties compearing and having been heard, the Lords, finding that the chief matters in controversy are some accounts between them, which "ar mor fitt to be hard be merchands or saillors thane be thame," advised them to name some friends for arranging a settlement between them. Thereupon the pursuer nominated William Rid, bailie of Leith, and William Nisbet, sailor; and the defender named Andrew Osuall and James Kintor in the Cannogat, to whom they promised to submit their differences for an amicable settlement. The Lords accordingly appoint them to deal with the matter and to have their first meeting on 20th July instant. If an agreement cannot be effected, parties are to compear before the Council on the 26th instant for knowing its further pleasure. And that the said Patrick Rid may attend the conference without trouble the Lords, with consent of James Bruce, ordain the provost and bailies of Edinburgh to liberate him from

[1] This decreet is again recorded at p. 434 of the Register.

Decreta, April 1635-February 1639. P. 434.

their tolbooth, seeing he has presently acted himself to appear before the said arbitrators and wait upon them for settling of his accounts, and that he will not leave the burgh of Edinburgh until matters are settled and the said James Bruce satisfied under the pain of perjury, infamy and "tinsell of his credit, fame and reputation, with the tinsel of his goods."

Acta, May 1636-November 1639. Fol. 259, b.

Sederunt:—Treasurer; Kingorne; Tullibardin; Belheaven; Clerk Register; Advocate; Justice General; Treasurer Depute; Justice Clerk. Edinburgh, 24th July 1638.

Arrangements by the Council to preserve the peace at Bartill fair and Laurence fair, the dues of which are claimed by contending parties.

"Forsamekle as Sir George Johneston of Caskiben, Johne Leith of Harthill, Michael Elphinston of Querrell and Arthure Forbes of Meny, pretending right to the faire callit Bartill faire, whilk is haldin upon the 24 of August, and Alexander Abircombie of Birkinboig, Hector Abercrombie of Fetterneir and Johne Leith of Harthill, pretending right to the priviledges of the faire callit Lauren faire, quhilk is haldin upon the

Fol. 260, a.

day of , and to the ryding of the saids faires and uplifting of the dewteis and customes thairof, all the saids persons intend to ryde the saids faires this present yeere and to uplift the dewteis and customes of the same; and there being ane great animosity and heate amongs thame for this caus, some inconvenient will not faile to fall out to the disturbance of his Majesteis peace without remeid be provydit; and thairfoir the Lords of Secreit Counsell hes nominat and appointed, and be the tennor heirof nominats and appoints the laird of Drum, shireff of Aberdene, or suche as he sall nominat and be answerable for, to ryde the saids faires this present yeere, and to intromett with and uplift the customes and dewteis of the same and to make thame furthcomming to the partie that sall be found to have best right thereto, commanding heirby the said shireff and suche as he sall nominat, as said is, to accept this commission upon thame and to execute the same accordinglie; and ordains letters to be direct to command, charge and inhibite the parteis particularlie abonewrittin that nane of thame presoome to ryde the saids faires nor to uplift the saids dewteis and customes of the same, but that they suffer and permitt the said shireff and others persons foresaids to doe the same as they and everie ane of thame will answer upon the contrare at thair perrell and under the pane to be exemplarlie punished in thair persons and goods to the terror of others to doe the like."

Protection granted to John Leith of Harthill that he may arrange his affairs.

"The Lords of Secreit Counsell, upon certane good respects and considerations moving thame, hes given and grantit and be the tennor heirof gives and grants libertie and licence to Johne Leith of Harthill to negociat his affaires and to repaire saifelie to and fra in the countrie for that effect without danger of the law till the feast of Yuill nixttocome, discharging in the meane time all shireffs, stewarts, bailleis of regaliteis and thair deputs, provests and bailleis of burrowes, and all judges,

officers and magistrats to burgh and land and als all messingers of armes of all troubling, arresting or warding of the said Johne for anie debts or soumes of money or for anie of the causes for the quhilks he wes latelie warded within the tolbooth of Edinburgh, discharging thame thairof and of thair offices in that part during the space foresaid." Acta, May 1636–November 1639. Fol. 260, a.

Edinburgh, 24th July 1638.

[Sederunt as recorded above,]

Decreta, April 1635-February 1639. P. 436.

Complaint by Mary Kello against her husband, Patrick Ainslie, for ill-usage.

Complaint by Marie Kello, lawful daughter of the deceased Bartilmo Kello, "preacher of Christs evangell," now spouse to Patrick Ainsley, merchant burgess of Edinburgh, and Mr James Crichtoun, indweller in Edinburgh, her curator, and Easter Kello, spouse to the said Mr James, her sister, for her interest, as follows:—The said Patrick Ainsley married the said Marie Kello in December, 1632, and to her "all dewties performable be contract of marriage wer punctuallie keeped so as she wes in good hopes of the performance not onlie of all conjugall dewties according to the strict band of matrimonie, bot also of all such others conditions wherunto he and his freinds wer tyed be the said contract. Nevertheles, it is of trewth that within ane year after the marriage the said Patrik, at the instigation of certane evill disposed persons, becaus the compleaner wald not renunce his contract of marriage, hes ever sensyne shamefullie and unhonestlie abused hir in word and deid, affirming that he had married hir onlie for a slave and servant and not to be his wife, and that he had married a preists gett; spitting on hir face in presence of Mr Samuell Kello, parson of Suffolk, hir brother, whom the said Patrike threatned to kill becaus he reproved him; as, also, he discharged hir sister and freinds to repaire unto hir upon paine of thair lyves; and shamefullie intermeddles with all things in the hous even to the office of the basest servant, as putting in and putting out of the fire, attending the pot when the kaill is tane up, therafter ryping the same with the ladell to see yf the servants had reserved anie thing to hir or thame selves, in searching the potts, pans and stoups daylie in the kitchin, locking up the cold kaill and brokin candle, marking the cheis, bread and flesh in the almerie; with manie others base and onworthie slaveries not worthie to be heard; by and attour the hungering of the said compleaner and hir servants by allowing thame not so much as ane dollar in twentie dayes to live upon, so as they had sterved yf she had not beene supported be hir sister and freinds; and by taking away the keeping of the keyes of the almerie, kists and coffers and government of the hous from hir, casting hir downe on the floore upon the preaching dayes and taking hir hat and shoes from hir to hinder hir to go to the kirke, prætending to cullour his malice that yf she should go everie day to the kirk and give eight penneis to the poore she wald wast his estate; howbeit she had nothing of him for this use but wes forced to borrow the same from hir servants; whill, as he in the mean tyme wes mispending his means day and night at the cards and P. 437.

Decreta, April 1635. February 1639. P. 437.

dice. Be reason of quhilk base and ungodlie carriage she hes contracted ane heavie melancholie disease and fever with great sweittings and symptomes proceiding from manie obstructions of hir splene and liver, increassed be greife of mynd, domesticke crosses, wanting of convenient aliment and rowmes and others remedies wherein she hes lyin thir three yeers bygane bedfast in hazard and perrill of hir lyfe, he in the meane tyme allowing nothing to hir as hir sicklie condition required, no not so much as coale or candle, and discharging the physicians and apothecaries to come unto hir, cullouring his malicious intent by saying the[y] wer onlie ordained to take money out of mens purses; quhairthrow she is become so weake and infirme as she is not lyke to live. Lykeas the said Patrik, as she is informed of his mother, brether, brether in law and sisters, hes still laboured to defraud hir of the benefit of hir contract of marriage, so as when she charged him to imploy hir tocher, extending to the sowme of ten thousand merks conforme to the tenor of the contract, he suspendit hir upon frivolous reasons by finding of a dyver cautioner in the suspension. Lykeas upon the thretteine of Januar last the said Patrik with diverse came about ten houres at night to hir dwelling hous where she wes lying sweetting under heavie siknes, putt hir servants out of the hous, and when the neighbours gathered for hir releife, he threatned thame over the windowes upon pane of thair lyffes to come neir, and then threatned hirselfe, being alone, that he should conjure the devill out of hir, strip hir naked and tame, albeit she wer mad. And, when as she wes stepping in to hir bed, being under a great sweet and fear, notwithstanding of hir manie ruthfull and pittifull requeists, they began to draw the bed out under hir so as she wes forced to ryse with ane apron about hir feet and ane blanket about her bodie, not having stockings to putt on hir legs, nor anie fire to sitt at. And thereafter they tooke away hir servants kists with hir coffers, linings, abuilyements of hir bodie and other ornaments of her bodie belonging to hir and in hir possession and use since hir marriage, and whilks wer therafter coffet be his saids brether, mother and others forsaids and are in thair custodie and keeping; so as the[y] left hir nothing to putt on hir back bot the floore to ly on, to the danger of hir lyfe and redacting hir to the extremitie of ane beggar. Lykeas upon the 13 of Februar last, betwix twelff and on in the night, the said Patrik came to her chamber in a furie lyke a madman, tooke hir out of hir naked bed be the armes in hir great seeknes and sweattings, dislocat twa fossels of hir armes, held hir be the armes for the space of three houres standing naked on the floore whill her armes and leggs swelled most pittifullie and she wes cast againe in the feiver for the space of sax weeks therafter. And sicklyke upon the 15 day of Junij last, being the Lords Sabboth, he came in between ten and eleven at night to hir chamber wher she wes lying pyning in hir bed under hir former disease, having in the on hand an naked knife and in the other ane horse rod and great key, and in a crewell and barbarous maner presented the knife

P. 438.

to hir breast quherwith he peirced her sark and gave hir manie bauch and blae straiks with the hors rod and key alongs the gardies, armes and shoulders; and not content thairwith tooke hir out of hir naked bed after he had abstracted hir cloths and caused hir sitt on the baire floore all the night over naked, trembling throw feare and heavie siknes, and opened the windowes of the hous upon hir, being a windie, cold night, of purpose to worke hir destruction. And becaus hir servant woman out of pittie went to steeke the windowes and to cry for helpe, he for that onlie cause switched hir soundlie with his said rod and therafter went up and downe the hous threatning thame with the rod and key, uttering manie mad and blasphemous speiches, affirming that albeit he had killed thame ther wald be no order gottin of him, for he wald deny it and ther was no witnesses to prove the same. Whilk is a verie wicked and godles misbehaviour and deserves exemplare punishment." She seeks for separation from him and that an annual aliment should be modified to her, as well as the delivery of her goods. The pursuer compearing personally and the defender by Mr Cornelius Ainsley, his brother, and Mr John Gilmour, his brother-in-law, who excused his absence on the ground that he "wes imbarqued and upon his dew course toward his port in his lawfull trade of merchandice," the pursuer produced an inventory of her husband's estate written with his own hand, and her contract of marriage, so that their Lordships might more readily modify an allowance to her during her husband's absence. The Lords, after considering these documents and hearing parties, modify to her the sum of 400 merks yearly during her husband's absence.

Decreta, April 1635-February 1639, P. 438. P. 439.

Complaint by James, Marquis of Hamilton, baron of the barony of Polmont, and certain of his vassals against Thomas Kincaid of Warristoun and his sons, anent their failure to erect dykes to protect the lands of the complainers from the sea.

See *ante*, p. 24.

P. 440.

Complaint by James, Marquis of Hammiltoun, baron of the barony of Polmud, John Hammiltoun, chamberlain of Kinneill, William Monteith of Randifurde, Monteith of Saltcottis and John Semple of Stainflat, heritors of Abbotscarse, and vassals to the said Marquis, as follows:— A complaint was recently made to their Lordships upon Thomas Kinkaid of Warestoun and his sons, who are neighbours to the complainers, of the great prejudice they sustain, especially the said John Semple, "by the lying downe of the dykes of the lands of Hewke and Saltcottis pertaining to the said Thomas Kinkaid thir three yeirs bygane, quhairthrow the compleaners lands wer overflowed with the sea," and their Lordships with consent of parties gave a commission to John Steill in Manuell, Patrick Grinlay in Ridheuche and Henry Bellenden in Little Carse, on behalf of the said Laird of Warestoun, and to James Monteith in Carsbank, James Alexander of Ridheuch and John Fleeming in Fawkirk for the complainers' part, or any four of them, two for each party, to meet upon the ground of the said lands, estimate the damage and report to the Council. Conform thereto, on 14th instant the said Patrick Grinlay, John Steill, James Monteith, and James Alexander met upon the said lands of Heuch, and "fand the dykes thairof ruinous so as the sea overflowed the same at everie spring tyde." The complainers dealt with them to make their report, but under the influence of the

Decreta, April 1635-February 1639. P. 440.

Laird of Warestoun they postpone the same, and the "Lambmes tyde" which now approaches will again endanger the lands if timely order be not taken therewith. Charge having been given to the Laird of Warestoun and the said commissioners for the presentation of their report and to see order taken thereupon, and John Sempill compearing for himself and the remanent pursuers, Thomas Kinkaid of Warestoun being likewise personally present, the report of the said commissioners was presented by the said John Sempill, and the Lords, after hearing and considering the same and hearing parties, find "that the not bigging and upholding of the saids dykes is a verie great hurt and prejudice to the saids persewars and a great hurt to the common weall," and they ordain the said Laird of Warestoun to cause build up the said dykes, and put workmen thereto within three days so that it may be completed by 10th August next under pain of making good all damage that shall accrue through his default. They also reserve to John Sempill his claim against Warestoun for bypast damage before the ordinary judge.

P. 441.

Protestation by the bailie of Ogilface that he may administer justice on James Adie, portioner of the Straith of Torphichen—the said James having failed to appear before the Council.

This day Mr Alexander Jonstoun, advocate, as procurator for the bailie of Ogilface, produced a summons at the instance of James Adie, portioner of the Straith of Torphichen, charging the said bailie to compear this day and hear himself discharged from proceeding against the said James Adie for stealing a boll of bear in April last out of the barn of James Mershell in Kelmure within the parish of Mervingsyde, and for other points of theft; and, because James Adie did not compear, he protested that the said bailie should not be held to answer again, but should proceed to administer justice upon the said James Adie, according to the laws of the kingdom. The Lords admit the protestation.

P. 442.

Supplication by the Commissioners for the royal burghs and by John Leith of Harthill anent Bartill fair and Laurence fair.

See *ante*, p. 39.

Supplication by the commissioners for the royal burghs of this kingdom, and by John Leith of Harthill, heritor of the duties of Lawrenfaire, and wadsetter of the duty of Bartill fair, as follows:—The said burghs and their neighbours resorting to these two fairs are heavily oppressed, partly by great and exorbitant exactions under colour of custom at Lawrenfair, whereof Adam Abercrombie of Aldrayne uplifts the duty by virtue of his wife's liferent, and in the meantime makes the said supplicant, John Leith, heritor, liable to the laws made against these extortions; and partly by great convocations at Bartill fair, occasioned by several dispositions made of the duty thereof by the Master of Forbes, heritor thereof, to the said John Leith, the Laird of Caskiben, Michael Elphinstoun of Querrell, , who all pretending right to uplift the duties come to the said fair with great convocations, whereby not only extortions but disorders and breaches of the peace arise. For prevention hereof the supplicants crave that their Lordships would grant a commission to the Laird of Leslie Forbes, the Laird of Tolquhon, and the Laird of Pittodrie, justice of peace, or any of them, to uplift the duties of these fairs for this present year and make the same forthcoming to parties having interest. The Lords, after advising, grant commission as craved to Irwing of Drum, sheriff principal of

Aberdene, or such others as he shall nominate and be responsible for; and they discharge all others from meddling with the said duties, as they shall answer at their peril. Decreta, April 1635–February 1639. P. 442.

Complaint by James White against Robert Hay in Wester Fordell for illegal warding and failing to maintain him while in ward.

Complaint by James Quhyt, as follows:—He has been kept in ward within the tolbooth of Edinburgh for the past half year at the instance of Robert Hay in Wester Fordell *alias* Bareis, as the alleged assignee of Alexander Greg in Corstorphin, for non-payment of a principal sum of £98, with two merks of expenses. He has nothing to maintain himself and is like to starve for hunger. This prosecution is most malicious as the debt has been paid long ago, but the said Robert suffers him to all appearance to die in prison. The pursuer appearing but not the defender, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer from their tolbooth in so far as he is in ward at the instance of the said Robert Hay. P. 443.

Complaint by George Ramsay, son to the deceased Patrick Ramsay, merchant-burgoss of Edinburgh, against Alexander Hay in Leith, for inveigling the sister of the complainer into marriage and possessing himself of her estate, and, likewise, of craftily depriving the complainer of his property.

Complaint by George Ramsay, son to the deceased Patrick Ramsay, merchant burgess of Edinburgh, for himself, and James, Elect of Argyle, and Mr Andrew Ramsay, minister of Edinburgh, as near kinsmen to the said George, and to whom the missive aftermentioned was sent by him, as follows;—"Alexander Hay in Leith, having by his craftie insinuating speeches inveigled the sister of the said George Ramsay and gained hir to be his wyfe, and having therby possest himselfe of hir estate, which he hes mis-spent upon the intertainment of faction and combustion betueene the toun of Edinburgh and Leith to his great disgrace, ignominie and shame, his nixt care wes to prey upon the said compleaners estate. For the better compassing wherof he possest the said compleaner with groundles and panicke fears that his fathers burden wes greater then his estate could beare and that yf he did not tymouslie provide for the safte of his person that he wald be castin in ward without hope of redemption. Lykeas accordingly he stirred up some to trouble the said compleaner for a small debt for the which being castin in ward the said Alexander became cautioner for his relieffe, and by that means having ingratiate himselfe to the said compleaner he then layed befor [him] with all the circumstances of aggravation his pretendit miserable condition yf he sould not go aff the countrey for some yeirs till he sould compone with his creditors. Quhairunto the said compleaner haveing simplie hearkned, the said Alexander then proponed unto him that he wald secure his estate unto him and his sisters children in caise it sould please God to call upon him beyond sea without children of his awin; quhairunto the said compleaner did lykwayes yeeld, being well preparit thairto by large and frequent cupps. And having subscrived what the said Alexander presented unto him in the presence of three led witnesses, the same never being read unto him nor he at that tyme able to understand it, the said Alexander furthwith, drunk as the said compleaner was, carried him aboard of a ship without furnitour or provision and sent him beyond sea wher he hes lived in great distres. And having heard from his freinds that Alexander Hay pleaded a right P. 444.

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to his lands and that he had a simple disposition thairof, which the said compleaner attests God he never gave, he wes much perplexed thairwith, till in end he ressaved a letter from Alexander Hay himselfe wherin he wrote to the said compleaner that he had learned that his freinds had advised him to returne home, but the said Alexander his counsall was that the compleaner sould remaine and go far up the countrey wher he might not be knawin and serve some rich man, for he might expect nothing in Scotland but miserie, both in respect of the raging plague and extraordinar scarstie and dearth of victualls. As quhilks he having remonstrat to his deare freinds by letter, his humble petition wes that the saids Lords wald be pleased in the dewtie of thair conscionable charge and transcendent auctoritie to tak this foull cousenage and the merit of the fact to the saids Lords thair grave consideration, and to provide remeid wharby the said supplicant, who was a young simple boy seducit, may be repond to his awne estat, and that the said Alexander Hay may be exemplarlie punished to the terror of others to offend in the lyke kynd hearafter." Parties had been cited and the case heard before their Lordships on several previous occasions, viz:— 1st, 3rd, and 23rd August, 1637, and 19th July, 1638; and now this day the said James, Elect of Argyle, compeared personally and also the said Alexander Hay. On 1st August, 1637, their Lordships *ex nobili officio* ordered the said Alexander to produce the dispositions made to

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him by the said George Ramsay; and on 3rd August, after new debate, they ordained Alexander Hay to lodge these writs with the Clerk of Council before the next Council day upon a receipt from the said Clerk. On the 19th instant, when there compeared the said George Ramsay and the Elect of Argyle and also the said Alexander Hay, the last named craved that the matter might be remitted to the Lords of Council and Session as the only competent judges for trying the validity of rights and securities; but the Lords adhered to their former act as to the exhibition of the writs and refused to consider the declinature until these were produced. Thereupon the said Alexander Hay instantly

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produced the following writs:—"Ane disposition made be the said George Ramsay to the said Alexander Hay of a tenement of land lying in the brugh of Anstruther be east the burne, dated the 17 day of Februar, 1634, and registrat in the Books of Counsall upon the 25 day of July, 1636. Ane disposition made be the said George Ramsey to the said Alexander Hay and Margaret Ramsey, his spouse, of certane tenements of land mentionat in the said disposition, dated at Leith the 17 of Februar, 1634, and registrat in the Books of Counsall upon the 25 of July, 1636. Ane disposition made be the said George to the said Margarit Ramsey, his sister, in lyfrent, and to the said Alexander Hay, his airs and assignayis of ane tenement of land in the north syde of the bridge of Leith, dated the 17 of Februar, 1634, and registrat in the Books of Counsall 1636. Ane charter made be the said George to his said sister and to the said Alexander, his airs and assigneyes of certaine

his lands and tennements mentioned in the said charter, dated the 17 of Februar, 1634. Ane assignation and discharge made be the said George to the said Alexander of all and everie thing that the said George can crave fra the said Alexander, dated at Leith, the 17 of Februar, 1634, and registrat in the books of Counsall the 25 of July, 1635. Ane ratification made be the said George to the said Alexander and Margarit Ramsey, his spouse, of the haill dispositions above written, dated at Leith, the 21 of Februar, 1634, proporting that he wes no wayes compelled, boasted nor circumveend to the makeing of the dispositions forsaids, registrat in the sherriffe court books of Edinburgh, day and yeir forsaid. Ane seasing under the signe and subscription of David Anderson, notar, and registrat in the Register of Seasings in the sherrifdome of Edinburgh, wherof Mr Francis Hay is clerk and keeper, of certane lands of Leith mentionat and conteand in the said seasing, as the same, dated at Leith the 17 of Februar, 1634, bears. Ane other seasing under the signe and subscription of the said David Anderson, notar, of certane tenements of land pertaining to the said George Ramsey and disponed be him to the said Margarit Ramsey and Alexander Hay, dated the 14 day of Agust, 1637, and registrat in the Register of Seazings of the sherrifdome of Edinburgh on the 7 day of October, 1637. Ane seasing under the signe and subscription of the said David Andersone, notar, made and given be the said George Ramsey to his said sister in lyfrent and to the said Alexander Hay, his airs and assigneyes, of ane tenement of land be north the bridge of Leith, dated the 18 of Agust, 1637, and registrat in the said book of seazings upon the 7 of October, 1637. Ane instrument of seazing under the subscription of Mr Robert Hedderweek of the said tenement in Anstruther in favours of Alexander Hay and his spous the 25 of October, 1637, and registrat in the said Register of Seazings upon the 12 of December, 1637. Ane inhibition at the instance of the said Alexander Hay and his spous aganis the said George Ramsey, signet the 17 of Agust, 1637, and registrat in the books of Counsall, wherof Mr Alexander Kinneir keeps the register upon the 25 of September, 1637. Ane letter of horning at the instance of the said Alexander and his spous aganis the said George, dated the 17 of Agust, 1637. Ane letter of horning raised at the instance of the said Alexander and his spouse aganis the said George Ramsey, the 19 of Agust, 1637, anent the fulfilling to the said Alexander Hay of the discharge and assignation mentioned in the saids letters. Ane letter written and subscrived be the said George Ramsey to the said Alexander Hay anent his going off the countrey testifieing that he past out of the countrey without direction of anie man and went onlie on his motive and ordaind that no person sould be blamed or troublit for that cause, and that the said Alexander Hay and his spouse hes done all freindlie kyndnes to him and that he past aboord aganis thair will, dated at Leith the 18 of July, 1634. Ane testificat of the said George his birth extracted be Mr Patrike Henderson, dated the 26 of November,

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1609." The cause being of new called this day and parties being both personally present, the Lords, after hearing them and advising, find and declare that there is no violence proven against the said Alexander Hay and that there is nothing in this libel and complaint proper and competent to be heard in this judgment except only the exhibition of the writs, which has been done; and they therefore remit the cause to the hearing and decision of the Lords of his Majesty's Council and Session. They also ordain the clerk to deliver back the writs to the said Alexander Hay.

Sederunt:—Treasurer; Mar; Tullibardin; Dumfreis; Belheavin; Clerk of Register; Advocate; Treasurer Depute; Justice; Justice Clerk. Edinburgh, 26th July 1638

Supplication by the above-named Alexander Hay that the writs he produced at the Council's order be delivered to him by the Clerk of the Council.

Supplication by Alexander Hay in Leith, as follows:—James Prymrois, their Lordships' clerk, makes scruple to deliver to him the writs produced by him at their Lordships' command on Tuesday without warrant from them by word or deliverance. Seeing the production was only *ex nobili officio* and to satisfy their Lordships' good pleasure, and the production is registered in the Depute Clerk Register's Books whence extracts are patent to all who have interest and the supplicant presently requires the writs for defence and pursuit before the Lords of Session, he craves warrant to the said Clerk accordingly. The Lords grant warrant as craved. P. 449.

Registration of discharge by Alexander Hay for the writs specified.

Registration of discharge by the said Alexander Hay in Leith, to James Prymros, Clerk of Secret Council, for the writs which were produced by him to the Council in the complaint against him by the Bishop of Lesmorran and George Ramsay; dated at Edinburgh, 28th July, 1638. (Signed) Alex^{r} Hay.

Supplication by Alexander Jaffray of Kingswalls against Sir George Johnstone of Caskiben whom the accuser charges with evicting him from the lands of Caskiben which had been disponed to the supplicant by the said Sir George.

Supplication by Mr Alexander Jaffrey of Kingswalls and Thomas Johnestoun of Craig, his chamberlain, as follows:—Sir George Johnestoun of Caskiben disponed his lands of Caskiben with the manor place, parts and pendicles thereof, for certain great sums of money to the said Mr Alexander Jaffray, who was duly infeft therein and obtained his Majesty's confirmation, and who, with consent of the said Sir George, appointed the latter's brother, the said Thomas Johnestoun, his chamberlain, for uplifting the duties of these lands, placing him in possession of the house of Caskiben. The said Thomas has continued therein for the last two years until that the said Laird and his lady and sons, taking advantage of the troubles of the time to shake off his Majesty's obedience, associated with themselves a number of rebels and dissolute persons, all armed with guns and other forbidden weapons, and came to the place of Caskiben out of which they thrust the family of the said chamberlain. and meddled with his whole moneys, writs, plenishing and provision, They have also then and at other times searched for the said chamberlain to take his life; and they keep the house as a house of war with

men, powder and bullet, making a prey of and sorning upon the poor tenants. At the approaching harvest also "he intends ather to debare the said supplicant and his chamberlane by shotts from shearing of thair corns of the Mayns of Caskiben and others twa Mayns neir by or ellis to sheare and winn the same to his own use, to the overthrow of the supplicants said chamberlane who is ingadged for the said Laird in great soumes and lyable to him and to the said supplicant for the rents of Caskiben, and now by this oppression is denuded of his haill means." This cause was before their Lordships on Tuesday last, but the said Laird absented himself, "howbeit he wes in toun suborning the witnesses," and their Lordships, to take away all excuse from him, granted him protection to compear this day. But of this he has made no use, and intends to persevere in his lawless courses. The supplicants therefore crave that a commission be granted to the provost and bailies of Edinburgh to search for and apprehend the said Sir George, so that he may be brought to answer for his doings. The Lords grant commission as craved for his apprehension and exhibition before them; and they also authorise by their commissioun Thomas Areskin of Balhaggartie, William and Alexander Areskin, his brothers, Robert Ferquharson of Invercald, James Ferquharson of Cullich, William Ferquharson of Inverrie, Gilbert Johneston of New Leslie, William Innes of Tibbertie, John Leslie of Bourtie, Robert Irwing in Ryhill, John Keith in Aquhorsk, James Keith, younger of Kinnaldie, Robert Anderson, bailie in Kintore, Donald Ferquharson in Monaltrie, Robert Ferquharson of Finzeane and . . . to pass to the said place of Caskiben and remove thence the said Laird, his lady and sons and all others who are keeping the house in his name, and repossess the said Thomas Johnestoun as chamberlain to the said Mr Alexander; with power to use his Majesty's keys, etc.

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Supplication by Mr. Alexander Jaffrey of Kingswalls, late provost of Aberdeen, against Sir George Johnstone of Caskiben, whom he accuses of assaulting his tenants, of injuring his goods, and evicting him from the manor-house of Caskiben.

Supplication by Sir Thomas Hope of Craighall, knight baronet, his Majesty's advocate, and Mr Alexander Jaffrey of Kingswalls, late provost of Aberdene, and Thomas Johnestoun of Craig, his factor and chamberlain, on the lands of Caskiben, as follows:—The bearing and wearing of hagbuts and pistols and convocation of the leiges in arms is straitly prohibited by law, yet Sir George Johnestoun of Caskiben, having disponed (narrating as in the immediately preceding entry); and shaking off "all respect to the law and dewtie of a gentleman of his qualitie hes associat to himselfe George, Johne and William Johnstons, his sones, Johne Spence, sometyme of Boddome, John Stevin, Patrik Suir and Barthol Fraser, James Watt, George Spang, James and Thomas Blakhillis, Robert Talyeour, Thomas Malleson in Ardcharrell and William Boyne, gardner in Caskiben," and by their assistance intends to make the lands of Caskiben unprofitable to the complainers. On March, 1637, "the said George, accompanied with the persons forsaids, all boddin with forbiddin weapons, came to the houses of James Johnestoun and Gilbert Sangster in Muretoun, tennents to the said Mr Alexander,

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brake up thair kists and girnells, and tooke frome thame fourteene bolls meale, whairwith they sould have payed thair fermes, threatned to cutt thair luggs out of thair heids, to scourge thame and harle thame at hors tales; strake and woundit Walter Cassie, officer to the said Mr Alexander, violentlie threw doun his hous, took away his plenishing and bedcloaths. Lykeas upon the day of Aprile last the said George Johnestoun came to Robert Gleny in Boyns, tennent to the said Mr Alexander, being at his pleuch, threatned him to go teill ane other mans land thairwith, and, because he refuised, he wald not suffer him to labour anie that day. And upon the second of Junij instant he came to Caskiben, and, finding the keyes of the yaird in the doore, he locked the doores and tooke away the keyes. And upon the 12 day of the same moneth the said Sir George, accompanied with the haill persons above written and his ladie, boddin with swords, gunns, pistolls and others forbiddin weapons came be way of hamesukken to the hous of Caskiben, being the dwelling hous of the said Thomas Johnestoun, himself being in the countrey in his lawfull effairs and nane being in the hous but a nurse with a barne not a yeer old and another servant woman, thrust thame both with the barne to the doore, and so affrighted the nurse that she lost hir milke; strake and woundit the other woman with hands, feete and stalffs, dragged hir throw the close, threatened to kill hir if she delivered not the keyes of the hous or told wher they lay; therafter brake up all the doores, meddled with the said Thomas haill writts, compts, plenishing and what ellis wes in the hous extending to . . . patt aff his haill goods and cattell, being pasturing about the hous and patt on thair awne goods, and do still keep the said hous as ane hous of warre with gunns, poulder and leid, holding furth muskets and swearing to kill anie that dare come neir thame, spending the said Thomas his beir and victuall and other provision in the hous and oppressing and sorning upon the poore tennents about in barbarous maner. And upon the 19 of the same moneth the said Sir George being informed that the said Thomas, his brother. wes in the hous of Johne King, tennent in Caskiben, he, accompanied with his said sones, Johne Steven and Johne Spence, came furth of the place of Caskiben to the said hous and threatned to have his lyfe, quhilk they had not failed to have done yf the said Mr Alexander Jaffrey, who wes in the hous for the tyme, had not wyselie convoyed the said Sir George away. But, as he returned to the hous to the said Thomas, the dore being [open?] the said George Johnestoun came in at unawares with a drawin sword, wherwith he had undoubtedlie killed his uncle yf the said Mr Alexander had not putt him to the doore. And they still threaten yf ever the said Thomas compleane heirof that they sall have his lyfe. The lyke of quhilk insolencies have not been committed by persons of the said Sir George his qualitie in anie mans memorie." Charge having been given to the persons above named to compear before the Council on the 24th instant, and the pursuers appearing personally, the Laird of Caskiben

compeared by Mr William Forbes, advocate, and declared that he would willingly compear and purge himself of these charges but for some hornings under which he lay, whereupon the Lords, finding it necesary for the clearing of this complaint that Sir George should personally appear, granted him their protection for this purpose till the 27th instant. The matter being then called of new and the pursuers compearing personally but not the defenders, the Lords after hearing the witnesses produced in the case, and advising, find that the said Thomas Johnestoune, as chamberlain to the said Mr. Alexander Jaffrey, was in possession of the said house of Caskiben for the past two years, and that the said Laird of Caskiben violently with guns and pistols dispossessed the servants of the said Thomas thereof and took possession, and for this insolence they ordain him to be charged to enter himself in ward within the tolbooth of Edinburgh within fifteen days and there remain until order be taken with him, under the pain of rebellion. They also command the said Laird to remove himself and all his from the said house and to repossess the said Thomas therein within three days, under pain of rebellion; wherein if he fail, he is to be denounced. The Lords also ordain that the witnesses be paid by the pursuers, every horseman ten merks and every footman five merks, for which they are to have relief against the said Laird of Caskiben.

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Continuation of protection to Lady Ednem.

Supplication by Dame Janet Lawsone, Lady Ednem, as follows:—The warrant granted by their Lordships to her and her cautioners has almost expired, and meanwhile they have been very busy in bringing matters to a good conclusion, especially as to the disposition of her estate and living for relief of her creditors. But the time has proved too short, and if "she could have some few dayes allowed unto hir for agenting of hir effairs she is in good hope to bring all hir effairs to ane good end to the full contentment of his creditors." She therefore craves a continuation and this the Lords grant till 10th August next.

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Supplication by Sir John Auchmoutie of Gosford anent a commission for examining his Majesty's wardrobe, in which the supplicant's name has been erroneously entered.

Supplication by Sir John Achinmute of Gosfurd, knight, keeper of his Majesty's Wardrobe, as follows:—His Majesty has granted a commission to several of their Lordships for visiting his Majesty's wardrobe and the wardrobe stuff within the same which was in the supplicant's keeping. Into this commission the supplicant's own name "is ignorantlie putt in as on of the commissioners, quhilk cannot stand neither with forme nor order, becaus he is the man who must make the account to the commissioners of the haill wardrop stuffe, and he cannot make account to himselfe. And ther is ane other litle oversight in the commissioun that it conteanes not ane warrand to the Director of the Chancellarie," and for want of this the said Director makes some scruple of writing the same to the great seal. Unless, therefore, their Lordships provide some remedy this commission will be frustrated. The Lords, after consideration of the premises, "being present in Counsaill drew the said Sir Johne Achinmoutie his name out of the said commission, and ordains and commands Sir Johne Scot, Director

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of the Chancellarie, to pas and exped the said commission and to write out the same to the great seal," notwithstanding of the above mistakes.

P. 455. Complaint by John Home of Rentoun, as follows:—He has all and sundry the teind sheaves of the lands of Steill, Fluirs, Hielawis, Press, twenty-six acres in Coldinghame, eight acres near the town thereof, and P. 456. of the lands of Gravesteill, Halbank, Capponland, Beanrig, Mansearker and Mawsebalke secured to him by sufficient rights and has been in possession of the same peaceably for the past nine or ten years until that lately Dame Helen Arnot, Lady Manderstoun, and William Home, brother-german to John Home of Crumstane, "stirred up aganis the compleaner be some persons, raisers of trouble and disorders in the countrey, hes resolved be way of deid and oppression to intrude thameselfs in the possession of the saids teinds," disdaining to pursue their pretended claim in a legal way. And, if the complainer maintain his right in the like violent way, great inconveniences will fall out to the disturbance of the peace of the country. Parties being cited, the pursuer compeared personally, as also did the said William Home, while Lady Manderstoun appeared by Mr Alexander Johnstoun, advocate, her procurator, when their Lordships, after hearing and advising, ordained Lady Manderstoun and William Home to desist from troubling the complainer in the peaceful possession of the said teinds, and to find caution to that effect.

Complaint by John Home of Renton against Dame Helen Arnot, Lady Manderston, and William Home, brother-german to John Home of Crumstane, for forcibly preventing the complainer from lifting the teind sheaves from certain of his lands.

P. 458. Complaint by Thomas Johnstoun, tailor, and Helen Low, his spouse, against Robert Henrie, boxmaster of the tailors in the Cannogait, as follows:—On Saturday last, 21st instant, the complainer sent his said wife about 10 o'clock at night to the chamber of Lady Hundelie with a child's coat when the said Robert Henrie, having great malice against the complainers and thinking this a fit opportunity for accomplishing "his malicious intent against the compleaners pure wyfe, she being solitare hir alone, the said Robert came to hir in a most barbarous and rigorous maner and patt violent hands in hir, gave her manie bach and blae straks and drew hir within his awin hous, closit his dooris for quietnes, bled and woundit hir maist shamefullie at mouth and nose and harlit hir up and doun his hous, and, yf that good neighbours had not releived hir, heiring hir pitifull exclamations, he had not failed to have bereft hir of hir lyfe. And, when he had so tormented hir, he thrust hir out of his doores and tuke the said cott fra hir quhilk he deteans as yitt. The lyke insolence hes not beene heard of and especiallie at the seat of justice." Charge having been given to the said Robert Henrie and both parties compearing personally, the Lords, after hearing and advising, and having taken the oath of verity of the defender, to which P. 459. the pursuers referred for proof of their averments, which he denied, assoilzied the defender.

Complaint by Thomas Johnston, tailor, and Helen Low, his spouse, against Robert Henry for assault on the said Helen.

Supplication by William Hucheson, common procurator of the sheriffdom of Renfrew, as follows:—Walter Leggat in Greinbridgend and John Thomeson of Corshill and Margaret Leggat, his mother, were by their

Supplication by William Hutcheson, procurator of the sheriffdom

of Renfrew, anent Walter Leggat in Greinbridgend and John Thomson of Corshill, who have illegally returned from banishment.

Lordships' warrant banished from this kingdom in August last and taken acted never to return upon pain of death, they having been convicted of the theft of some coals "and a burden of kaill under night, and for leddering the Laird of Minto his barne, braiking thairof and stealing furth of the same nyne stane of cheis." The said Walter and Johne Thomeson were delivered to Colonel Stewart and were transported by him to the wars; but these three persons have returned and go as peaceably up and down the country as if no such doom had been pronounced against them. He therefore craves that their Lordships would grant a commission to the sheriff of Renfrew and bailie of the regality of Paisley and their deputes and the justices of peace within the said sheriffdom and bailiary to apprehend these three persons and commit them to ward until their Lordships' further pleasure about them should be indicated. The Lords grant commission as craved.

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Supplication by Mr. Thomas Turnbull, minister at Morham, anent the repairing of the kirk of the said parish.

Supplication by Mr Thomas Turnbull, minister at Morhame, as follows:—He has "raised letters for bigging and repairing of the parish kirk of Morehame, quhilk is so ruinous and decayed as is a reproache to the parish; but in regard the twa part lands of Morhame and the intromission of the maills and dewties thairof is questionable betuix the Erle of Bucclewch and Francis Stewart, so as no certane person can be found to be charged for the saids lands toward the repairing of the said kirk, this so pious a work is verie far marred and interrupted. And wheras this dewtie is *debitum fundi*, and the saids Lords hes given commission to Patrike Wood, merchant burges of Edinburgh, for the intromission with the rents of the saids twa part lands during the not decision of the parties differences," the supplicant craves that Patrick Wood be charged to pay the proportion of the stent applicable to the said lands. The Lords grant the prayer of the petition.

P. 465.[1] [1 Omitted at its proper place in the Register.]

Edinburgh, 31st July 1638.

Sederunt:—Treasurer; Privy Seal; Mairshell; Mar; Wintoun; Tullibardin; Lauderdaill; Amont; Advocate; Treasurer Depute; Justice.

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Complaint by the widow of Alexander Gordon of Corridoun and others against John Gordon of Innermerkie and Alexander Gordon, his eldest son, for contempt of horning.

Complaint by Christian , widow of Alexander Gordoun of Corridoun, James Rutherfoord, burgess of Elgin, her spouse, John Gordoun, son to the said deceased Alexander, and his curators for their interest, as follows:—On 29th July, 1637, John Gordoun of Innermerkie and Alexander Gordoun, his eldest son, were put to the horn at the instance of the complainers for not paying a debt of the principal sum of 1000 merks, 300 merks of expenses and the interest due thereupon; but they pay no heed to the said horning and go about the conntry at their pleasure. Charge having been given to these persons and the pursuers compearing by Mr Thomas Kemp, their procurator, but the defenders not compearing, the Lords ordain the latter to be charged to render their houses to the officer who shall execute the charge and to enter

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their persons in ward within the Castle of Blacknes within fifteen days upon pain of treason.

P. 461. Complaint by James Johnestoun of Corheid, steward principal of Annerdaill, as follows:—Being charged to make payment to his Majesty's collectors of . . . terms of this present taxation for the stewartry of Annerdaill, he for discharge of his duty directed his officers of the said stewartry to charge the heritors and landlords there to relieve him of their respective parts thereof. Upon 14th June last they "apprehended a white lugged stot and ane berrie broun of the age of twa yeirs old and comprised the same to fyfteene punds for the taxt of the ten pund land Blaatwood"; and, on 15th July instant, they "apprehended a brown naig upon the lands of Lairdholme and comprised the same to twentie merks with the sherriffe fee; and they apprehended upon the lands of Tunnergirth that same day a broun naig of sax yeir old and comprised the same for eighteene punds for the ten merk land of Tunnergreth; and the same day they apprehended a gray naig of twa yeirs old upon the lands of Gunnembie and comprised the same to ten punds for the five merk land of Gunnembie; and the same day they apprehended a blak naig upon the lands of Almigill and comprised the same to five punds for the twelff pund land of Almigill." When the said officers were quietly driving these animals to Lochmaben, as the head burgh of the stewartry, to have completed the comprising, they were set upon by John Johnestoune in Lairdholme, John Johnestoune in Tunnergrith, David Henrison in Almigill, Gavin Henderson in Gunmembie and others, armed with swords, staves and other weapons, who took the poinded goods from them and pursued the officers for their lives, which they had not failed to have taken but for the providence of God and their own better defence. Charge having been given to these persons complained upon, and the pursuers compearing personally but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by James Johnstone of Corheid, steward-principal of Annandale, against John Johnstone in Lairdholme and others for resisting the poinding of their goods in payment of their taxation.

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P. 463. Complaint by Robert Murray, prisoner in the tolbooth of Edinburgh, as follows:—He has been long detained in ward within the tolbooth of Edinburgh at the instance of Thomas Creichtoun, Robert Porteus, Robert Haddoway, David Cruikshanks, Andrew Osuall, Janet Monteith, James Gairdin and John Greirsone, indwellers in Edinburgh, for some petty sums of money. He is "but ane poore man," unable to entertain himself and far less to pay any debt if he remains longer in ward; and he will undoubtedly perish there of famine, if their Lordships do not interpose. Charge having been given to his abovementioned incarcerators and none of them compearing save Thomas Creichtoun, who consented to the complainer's liberation, the Lords ordain the provost and bailies of Edinburgh to release the pursuer, who was personally present, in so far as he is warded by the defenders.

Complaint by Robert Murray, prisoner in the Tolbooth of Edinburgh, against Thomas Crichton and others for detaining him in ward without maintenance.

P. 466. Supplication by Sir Alexander Irwin of Drum, sheriff of Aberdene, Mr William Davidson, sheriff depute, Thomas Areskyne of Balhaggartie,

Supplication by Sir Alexander Irvine

of Drum, sheriff of Aberdeen, and others for authority to arm a force to remove the Laird of Caskiben and his lady from the place of Caskiben.

William and Alexander Areskine, his brothers, William Seton of Meldrum, Robert Ferquharson of Innercald, James Ferquharson of Tullich, William Ferquharson of Inverrie, Donald Ferquharsone of Moraltrie, Robert Ferquharson of Fingzean, Gilbert Johnestoun of New Leslie, William Inneis of Tibbertie, John Fraser of Clinterlie, Mr Alexander Seaton of Tulleray, Mr William Johnstoun of Middltoun, Robert Keith of Aquhorsk, John Keith, his brother, John Leslie in Bourtie, Robert Irwing in Ryhill, James Keith, younger of Kinnaldie, Robert Andersone, bailie of Kintore, Alexander Gordon of Lismor, and William Gregorie, chamberlain to the Countess of Mairshell, as follows:—Their Lordships granted commission to them for the removal of the Laird of Caskiben and his lady, sons and servants from the place of Caskiben, and the placing therein of Thomas Johnestoun, chamberlain to Mr Alexander Jaffrey of Kingswalls, whom the said Laird violently dispossessed. But, as it has been clearly proven before their Lordships that the said Laird and his assisters keep this house with guns and pistols, it will be very hazardous for the supplicants to attempt this service unless they are likewise armed. They therefore crave warrant for this, and the Lords authorise them and those accompanying them to carry hagbuts and pistols without incurring danger of the law, but for the execution of this commission only and no otherwise. Decreta, April 1635–February 1639. P. 466. P. 467.

Protection to John Low, merchant-burgess of Glasgow.

Complaint by John Low, merchant burgess of Glasgow, as follows:—He is very heavily distressed for some petty debts which he is both able and willing to pay if his creditors would give him time, but this they will not do. Charge having been given to his said creditors, and the pursuer compearing personally but none of the defenders, the Lords grant him their protection till 1st January next so that he may go about the doing of his lawful business. P. 468.

Complaint by John Home of Renton and George Home, his brother, against Dame Helen Arnot, Lady Manderston, and others for illegally exacting law-surety from the complainers.

Complaint by John Home of Renton and George Home, his brother, as follows:—They have been charged by their Lordships at the instance of Dame Helen Arnot, Lady Manderstoun, William Home, her son, Hercules King, portioner of Coldinghame, Williame Paxtoun, tailor there, John and James Paxtoune, his sons, Robert Sinclare and Hercules Paxtoune there, William King, brother to the said Hercules, Paul Paterson in Northfeild, William King in Rickelsyd, William Sherrilaw there, Ninian Barns in Coldinghame, John Home of Beopark, and James Melville to find law surety to them in the books of Privy Council, the said John in £1000 and the said George in £500, and they intend, if they fail, to put them to the horn, and that wrongfully, for they have already twice found caution to the said lady and her son, once in the books of Privy Council and again in the books of Session, as two suspensions thereupon show; and as for the other persons, their names have only been borrowed by the said lady and her son without their knowledge or approbation, for none of them can make faith that they dread any harm from the complainers. In this matter the sole intention has been to trouble the complainers by a shameful abuse of the

Decreta, April 1636–February 1639. P. 468.

law. However, they have found caution in their Lordships' books and now seek suspension of the charge. The persons above complained against, viz., Dame Helen Arnot, William Home, her son, Hercules King in Coldinghame, William King there, Robert Sinclar there, "Johne, James and Hercules Paxtouns, his sones," [*sic*] William Sherrilaw there, "Jeane" Melvill there, John Home of Beopark, Ninian Barns and Paul Paterson, having been cited, of whom only the said William Home compeared, and the pursuers being personally present, the Lords, after hearing parties and advising, suspend the letters in so far as concerns the defenders who are absent, but they decern the pursuers to find caution each in 1000 merks to the said William Home for his safety in the Books of Privy Council; and they likewise ordain the said William Home to find caution in £500 to the pursuers for their indemnity and not to leave the town until he do so. Caution being thus found their Lordships discharge all former acts of caution standing between parties.

P. 469.

Acta, May 1636–November 1639. Fol. 260, b.

Sederunt:—Commissioner; Treasurer; Privy Seal; Mairshell; Mar; Winton; Perth; Linlithgow; Lauderdaill; Hadinton; Southesk; Kinnoull; Belheaven; Angus; Dalyell; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Blakhall. Holyrood House, 14th August 1638.

Warrant to certain sheriffs and magistrates to arrest Thomas M'Kie, sometime sheriff-clerk of the sheriffdom of Wigtown, who has illegally returned from banishment to which he had been condemned for forgery.

"Forsamekle as Thomas McKie, sometime shireff clerk of the shirefdome of Wigton, being conveenned before his Majesteis Justice in a justice court haldin in the tolbuith of Edinburgh upon the 16 day of Januar, 1636, for the crime of falsett, there wes doome pronunced aganis him be warrant and direction frome the Lords of Privie Counsell, declaring him to be infamous and to lose his office, and to be incapable of anie charge in time comming and his movable goods to be escheit, as also he wes ordained to be tane be the hangman of Edinburgh to the nearest mercat croce of the burgh of Edinburgh with a paper on his forehead for ane marke of his ignominie and shame, whilk paper sould conteane thir or the like words—'I am declared infamous for falset,' and he wes ordained to stand at the said mercat croce fra ellevin of the clocke in the forenoone till twelve of the clocke and to be banished this kingdome and never to returne agane under the pane of death, as ane act of adjournall made and sett doun aganis him for this effect (by the quhilk lykewayes he actit him selfe for fulfilling of the sentence foresaid) at lenth beirs. And whereas it wes looked that the said Thomas McKie sould have departed out of this kingdome and not returned agane within the same during his lifetime, notwithstanding it is of truthe that aganis the tennor of the said act he is returned and made his addresse to this kingdome and to the burgh of Wigton where he committed his former falsetts and there remaines, and there and in the countrie thereabout publiclie avowing and avowedlie using the office of notare and carying himselfe in all respects as if no suche doome nor sentence wer pronunced aganis

him, to the high contempt of our soverane lord, misregard of his royall auctoritie and encouragement of others upon hope of impunitie to committ the like falsetts, to the great greefe of his Majesteis good subjects; and thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennor of this present act gives and grants full power and commission, expresse bidding and charge to the shireff of Wigton and his deputs and to the provest and bailleis of the burgh of Wigton and to all others shireffs, stewarts, bailleis of regaliteis, provests and bailleis of burrowes within this kingdome, conjunctlie and severallie, to pas, searche, seeke, and take the said Thomas McKie where ever he may be apprehended, and to putt, hold and deteane him in sure firmance and captivitie whill they understand the saids Lords thair farther pleasure concerning him; with power to the saids commissioners for this effect to make opin doores and use his Majesteis keyes where urgent necessitie sall require; and generallie all and sindrie others things necessar tuicheing the apprehension of the said Thomas to doo and use, whilk in suche caises is usuall; firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin; charging heirby all his Majesteis lieges and subjects to reverence, acknowledge and obey, concurre, fortifie and assist the saids commissioners, conjunctlie and severallie, in all and everie thing anent the execution of this commission, and to doe nor attempt nothing to the hinder nor prejudice thairof, as they and ilke ane of thame will answer upon the contrare at thair highest perrell." Acta, May 1636-November 1639. Fol. 260, b. Fol. 261, a.

Reward granted to Alaster Grassich, sometime in Innermuchtie, for slaying John Ferries Macgregor, a rebel and outlaw.

"Anent the supplication presentit to the Lords of Secreit Counsell be Alaster Grassich, sometime in Invernochtie, makand mention that quhere the saids Lords ar not unmyndfull of the great insolenceis and villaneis committed be Johne Dow Gair and his complices upon his Majesteis good and peaceable subjects this long time bygane, speciallie within the shirefdome of Aberdene, quhilk moved the saids Lords to give furth proclamations setting the price of ane thowsand punds upon the said Johne Dow his head and the price of ane hundreth or twa hundreth punds upon the heads of the rest of his followers, and further at the saids Lords direction to be givin to suche as sould happin respective to kill thame, as the said proclamation beirs; and trew it is that upon the 26 day of July last the supplicant, being going out the hie way in his lawfull affaires rancountered with one of the said Johne Dow his speciall followers named Johne Ferreis McGregor, who having fiercelie persewed the supplicant of his life he did happilie in his awne defence kill the said Johne as ane testificat heirupon showin to the saids Lords beirs, in regard quhereof the supplicant is now forced to leave his countrie and familie, for these villans doe seeke him through all the parts where he wount to remaine and resort to kill him: Humbelie desyring thairfoir the saids Lords that he may have the benefite of the proclamation foresaid for killing of the said lymmar, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and con- Fol. 261, b.

Acta, May 1636–November 1639.

Fol. 261, b.

sidderit be the saids Lords and they understanding that the said Johne Ferreis McGregour wes ane of the said John Dow Gair his followers, thairfoir the saids Lords declares the said supplicant free of the slaughter of the said Johne Ferreis, and of all crime, pane and danger of the law quhilk he may incurre therethrow for ever be thir presents; and farther the saids Lords hes modified and be the tennor heirof modifeis the soume of ane hundreth merkes to be payed to him be his Majesteis Tresaurar furth of the readiest of his Majesteis rents for his good service in the slaughter of the said Johne Ferreis McGregour to the effect that others may be encouraged heerafter to goe on with the greater alacritie in his Majesteis service agains suche brokin lymmars; anent the payment quhairof this act togidder with the supplicants acquittance upon the recept heirof sall be unto the said Lord Tresaurar ane warrant."

Act anent a supplication presented by Sir William Forbes of Craigievar and Mr. Thomas Forbes, minister of Leochel, in which the said Mr. Thomas declares that John Dow Gair, rebel, and his accomplices invaded his house, and carried off Mr. George Forbes, whom he now holds to ransom.

"Anent the supplication presentit to the Lords of Secreit Counsell be Sir William Forbes of Cragivar for himselfe and in name and behalfe of Mr Thomas Forbes, minister at Leochell, and Mr George Forbes, now captive be Johne Dow Gair, rebell, makand mention that quhere the said Johne Dow Gair and his lawlesse complices have ever caried ane great hatred and deadlie feud aganis the said Sir William and all others his freinds and followers for his good will and fordwardnes to his Majesteis service and peace of the countrie aganis the saids rebells of the Clan Gregour and thair complices and in causing persue, take and present severall of thame to justice to his great charges and trouble ever since, and now, being callit heir for expeding certane his affaires, the said Johne Dow Gair did on Wednisday last, the eight of this instant, under cloud and silence of night, come to the said Mr Thomas Forbes hous, accompanied with 18 of his lawlesse complices, where the said Mr George wes with the said Mr Thomas without anie weapons, the said Johne Dow Gair having spoyled the said Mr Thomas hous of all his cloathes, plenishing, moneyes that wes therein, except onelie his bookes, finding the said Mr George who had beene formerlie imployed agains the saids rebells and had apprehended twa of thame and sent thame over to justice, besides these takin and apprehended be umquhill Johne Stuart, he did lay hands on the said Mr George and caried him captive away with him whome he yitt deteanneth where he goes and in the bounds where he is most willinglie ressett and mainteanned; frome whiche the said Johne Dow hes sent a particular commission to certane of the said Mr George his freinds willing thame not to persew nor follow after thame but to send a thowsand punds of money of composition for ransome of the said Mr George and his life and libertie, otherwayes he

Fol. 262, a.

will cutt him aff and putt him to death, quherethrow the said Mr George, not being able to doe the same or worth the thrid of the money craved be the said rebell, is like to suffer for his being imployed and service doing agains thame. Quhilk concerns his Majesteis honnour, in so far as the saids rebells professe that what they have done or sall doe to him is for his fordwardnes in that service aganis thame: Humbelie desyring

thairfoir the saids Lords to take this mater to thair consideration, whiche does so muche concerne the gentlemans life and libertie, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell declares be thir presents that if the said Laird of Cragivar or anie other of the said Mr George his freinds sall advance for his ransome the soume of ane thowsand punds lesse or more that they sall have repetition of the same out of the readiest of the escheits and fynes of the persons who after tryell sall be convict of the intercommoning with and the ressetting of the said Johne Dow Gair and his complices, and for this effect ordains letters to be direct aganis the saids ressetters for thair compeirance before the Counsell to underly thair tryell as accords."

Acta, May 1636–November 1639. Fol. 262, a.

Holyrood House, 14th August 1638.

[Sederunt as recorded above.]

Decreta, April 1635–February 1639.

Supplication by Hew Montgomery, heir of Ezekiel Montgomery of Watlands, that he may be released from the Tolbooth of Edinburgh as he has satisfied his creditors.

Supplication by Hew Mongomerie, lawful son and apparent heir of Ezekiel Mongomerie of Watlands, as follows:—He has been long detained in ward at the instance of Mr Thomas Henderson, advocate, for some money which he borrowed from him in France, for the which his father, Mr Patrick Henderson, obtained a commission from their Lordships and apprehended the supplicant. They have assigned the debt to John Dalgleish, son to James Dalgleish in Mauchinhoill, by their deed, dated 25th and 26th October last, and the supplicant has now satisfied the said John Dalgleish and obtained his discharge, which he produces. He therefore craves that their Lordships will ordain the provost and bailies of Edinburgh to liberate him from their tolbooth. The Lords ordain the said provost and bailies so to do in so far as the supplicant is warded at the instance of any of the above-named persons.

P. 464.

Holyrood House, 17th August 1638.

[No record of sederunt.]

Acta, May 1636–November 1639. Fol. 262, a.

Charge for the conveyance of John Maxwell, accused of bringing false coins into the kingdom, from Dumbarton to Edinburgh.

"Forsamekle as Johne Maxwell in Wester Linton in the [*sic*] kingdome is latelie tane and apprehended for imbringing and outting of some false brasse turnours within this kingdome, and is now presentlie in waird within the tolbuith of Dumbartane, quhairfoir necessar it is that he be exhibite before his Majesteis Justice to be tryed, examined and censured for his crime as accords; for quhilk purpose ordains letters to be direct charging the provest and bailleis of Dumbartane to transport and carie the said Johne Maxwell to the provest and bailleis of Glasgow within sax houres after the charge; as alsua charging the provest and bailleis of Glasgow to receave the said Johne from the provest and bailleis of Dumbartane and thair officers within ane houre after they be presentit to thame and to transport and carie him to the provest and bailleis of Linlithgow within 24 houres thereafter; and that the saids provests and bailleis of Linlithgow receave the said Johne and transport him to the

Acta, May 1636–November 1639. Fol. 262, a. provest and bailleis of Edinburgh within 24 houres after they receave him; and that the saids provest and bailleis of Edinburgh receave the said Johne and enter him in waird within thair tolbuith within ane houre after he beis presentit to thame, therein to remaine till he be censured and punished for the crime foresaid conforme to the lawes of this Fol. 262, b. realme, under the pane of rebellion, etc., and, if they faillie thairin, the spaces respective foresaids being bypast, to denunce, etc."

Decreta, April 1635–February 1639. P. 470.

[No record of Sederunt.]

Holyrood House, 17th August 1638. Supplication by Sir Alexander Strachan of Thornton, for protection that he may attend to certain affairs in Edinburgh.

Supplication by Sir Alexander Strachane of Thorntoun, as follows :—He has come to this burgh to make an account to his Majesty's Exchequer of his Majesty's annuities and other duties of which the collection was committed to his charge, but on account of some hornings which he underlies he dare not come without their Lordships' protection. This, therefore, he craves. The Lords grant him their warrant till 10th September next.

Acta, May 1636–November 1639. Fol. 262, b.

[No record of sederunt.]

Holyrood House, 20th August 1638. Charge to Mr. James Raith of Edmonston and his son, on the one part, and Patrick Edmonston of Wolmet, on the other, to appear before the Council and meantime to keep the peace.

"Forsamekle as it is understand to the Lords of Privie Counsell that there is some variance and contraversie like to fall out betuix Mr James Raith of Edmistoun and James Raith, his sone, on the ane part, and Patrik Edmonstoun of Wolmet, on the other part, quhilk is like to draw on farther inconvenients to the breake of his Majesteis peace and disquyetting of the countrie without remeid be provydit, thairfoir the saids Lords of Secreit Counsell ordains letters to be direct charging the parteis abonewrittin to compeir personallie before the saids Lords upon the 21 day of August instant to underly suche order as sall be tane with thame tuicheing the observing of his Majesteis peace and keeping good order in the countrie under the pane of rebellion, etc., with certification, etc.

Decreta, April 1635–February 1639. P. 470.

Holyrood House, 21st August 1638.

Sederunt:—Treasurer; Privy Seal; Mar; Linlithgow; Wigtoun; Kingorne; Hadintoun; Lauderdaill; Kinnoull; Southesk; Belheaven; Lorne; Naper; Clerk Register; Advocate; Treasurer Depute; Justice; Justice Clerk; Blakhall.

Complaint by Robert, Viscount of Belheaven, against John Chisholm for breaking ward from the Tolbooth of Dunbar, and against two town officials for allowing him to escape.

Complaint by Robert, Viscount of Belheavin, heritable chamberlain of the lordship of Dunbar, as follows :—John Schissolme, having lately wounded John Stevinson to the effusion of his blood, was convicted of the same before the said Viscount as chamberlain foresaid in a fenced P. 471. court held at Dunbar on . . . and was thereupon delivered by him to Robert Donaldson and George Sinclar, officers of Dunbar, to be committed to ward within the tolbooth there until he should satisfy for this wrong and for the breach of an arreistment made by the said chamberlain, for which he was also convicted. But the said officers

suffered the prisoner to escape, to the contempt of the said chamberlain, who is one of his Majesty's Privy Council. Charge having been given to the said officers and also to the delinquent to compear this day, and the pursuer being personally present, as also the said John Chissolme and Robert Donaldson, the Lords after hearing parties and the confession of the said John Chissolme that he was committed to ward and commanded by the pursuer and his bailie to remain therein until he should satisfy for his wrong, but that he broke the said ward and escaped, find that he and Robert Donaldson have committed a very great insolence and contempt against the said pursuer and his bailies in vilipending and disobeying the command foresaid, and they therefore ordain the said John Chissolme to be committed to ward within the tolbooth of Edinburgh until they release him, and the said Robert Donaldson to be warded in the tolbooth of Dunbar till he be relieved by the said Lord Belheavin, to whom they give power to try and punish him for his offence. And they further ordain that George Sinclair, who did not compear, be put to the horn and escheated. Decreta, April 1635–February 1639. P. 471. P. 472.

Supplication by Dame Janet Lawson, Lady Ednem, for protection that she may attend to certain affairs in Edinburgh.

Supplication of Dame Janet Lawson, Lady Ednem, as follows:—Out of her earnest wish to relieve herself of the burden of debt which she underlies she is selling her lands and barony of Ednem and has almost closed the bargain. But as this must take place in Edinburgh with the advice of agents she must go thither but cannot without a warrant from their Lordships, which accordingly she craves. The Lords grant her their protection until 15th September next.

Complaint by George Ker, tailor burgess of Edinburgh, against Sir Patrick Home of Polwarth.

Complaint by George Ker, tailor burgess of Edinburgh, as follows:— P. 473. On 14th June last he obtained from the bailies of Edinburgh a decreet against Sir Patrick Home of Polwart for his removing from a dwelling house in the said burgh belonging to the complainer; and because Sir Patrick did not obey, he obtained a precept of ejection and on 28th June last "made opin doores and inventard the goods being within the said hous to be furthcummand to the said Sir Patrik." On 24th October last the said Sir Patrick came to the said dwelling house when the said George was out of the town and forcibly breaking off the locks entered within the house, took possession thereof and keeps the same in contempt of law and justice. Parties being cited the pursuer compeared but not the defender, whereupon the Lords ordained the said Sir Patrick to be put to the horn and escheated.

Complaint by William Seatoun of Mounie and others against Nathaniel Keith of Cocklaw and others for ill-using the cattle of the complainers and driving them among their crops.

Complaint by William Seatoun of Meaney, Patrick Seatoun in Cocklaw, Rannald Panton, Thomas Robertson, John Hedderweik and James Laing there, as follows:—On last Nathaniel Keith of Coklaw, Patrick, George and Andro Davidson, George Gray, George Scot, and William Sleisour, elder and younger in Coklaw, William Keith, John Meill and Patrick Reid, servitors to the said Nathaniel, Alexander Brig, John Paterson, James Prat in Stocbridge, John Tailyeour in Starhill, Alexander Nobill in Coclaw and others their accomplices, armed with swords, spears, lances, Loquhaber axes and other weapons, came to P. 474.

Decreta, April 1635–February 1639. P. 474.

the oatfield lands of Meikill Coklaw where the complainers' goods were pasturing, struck, hurt and wounded the herds, gathered the whole goods together to the number of three hundred head, "and hirded thame a long space upon his growing corns till with thair feit and utherways they had trampled, consumed and destroyed neir eight score bolls victuall. Therafter they strake, woundit and chast the harmles beasts athort the compleaners lands and haynned grasse and trampled and trode the same to the compleaners heavie hurt and preejudice." Charge having been given to the persons complained upon and William Seatoun compearing for himself and the rest of the pursuers, but the defenders not compearing, the Lords ordain the latter to be put to the horn and escheated.

Acta, May 1636–November 1639. Fol. 262, b.

Sederunt:—Treasurer; Privy Seal; Mar; Linlithgow; Kingorne; Hadinton; Lauderdaill; Kinnoull; Southesk; Belheaven; Lord Lorne; Lord Naper; Lord Dalyell; Clerk Register; Justice General; Treasurer Depute; Advocate; Justice Clerk; Blakhall. Holyrood House, 23rd August 1638.

"Forsamekle as there is great appearance of trouble like to fall out betuix Dame Jonet Lawson, Ladie Ednem, on the one part, and Elizabeth Dowglas, daughter to Sir Robert Dowglas of Blakerston, knight, and the said Sir Robert, on the other part, anent the leading of the teinds of the parish of Ednem, quhilk will not faile to produce diverse inconveniences without remeid be provydit, thairfoir the Lords of Secreit Counsell ordains letters to be direct, charging the said Ladie Ednem and the said Sir Robert Dowglas and his said daughter to find sufficient and responsall caution and souertie actit in the bookes of Secreit Counsell that they sall observe our soverane lords peace and keepe good rule and quyetnes one with another, and that they sall not invade, trouble nor molest one another for whatsomever deid, caus or occasion otherwayes nor be order of law and justice fra the date of the charge and in time comming, everie ane of thame under the pane of fyve thowsand merkes, within sax dayes after the charge under the pane of rebellion and putting of thame to the horne, and, if they faillie therein, the said sax dayes being bypast, to denunce the dissobeyers rebells and putt thame to the horne, and to escheate, etc." Charge to Dame Janet Lawson, Lady Ednem, on the one part, and Elizabeth Douglas, daughter to Sir Robert Douglas of Blakerston, on the other, who are at feud regarding certain teinds, to keep the peace and find caution for the same.

Decreta, April 1635–February 1639. P. 475.

[Sederunt as recorded above, omitting Lord Dalyell.] Holyrood House, 23rd August 1638.

In the matter of John Chissolme who was committed to ward within the tolbooth of Edinburgh on 24th August instant for his contempt done to Lord Belheaven in breaking ward within the tolbooth of Dunbar, the Lords, taking to consideration what further punishment shall be inflicted upon him, remit his further censure to the said Lord Belheaven. They therefore ordain the provost and bailies of Edinburgh to release him, and they command the said John Chissolme to enter himself Case of John Chisholm, now in ward in the Tolbooth of Edinburgh, at the instance of Lord Belhaven. See *ante*, p. 59.

in ward within the tolbooth of Dunbar before Saturday night and there remain until Lord Belheaven liberate him. Decreta, April 1635–February 1639.

Complaint by John Oliver, messenger in Edinburgh, against James Reid and David Mitchell for assaulting him while in charge of a prisoner.

Complaint by Sir Thomas Hop of Craighall, knight baronet, his Majesty's Advocate, and John Oliver, younger, messenger in Edinburgh, the party grieved, as follows:—Upon August the said messenger was specially employed by Andrew Osuald, merchant burgess of the said burgh, to execute letters of caption against Thomas Drysdaill, baker of the Cannogaite, for non-payment of a debt, yet "trew it is that the said messenger being cled with the said rebell and having him in his custodie and keeping be the space of sax houres or thereby it is of veritie that David Mitchell, baxter in Edinburgh, and James Rid, sone to William Rid, customer of the meill mercat ther, accompanied with men and weomen to the number of 20 persons, all boddin in feare of weare, with swords, whingers and others weapons of invasion, cam to the said messenger wher he wes coming upon the hie streit of the said brugh and haveing the said rebell with him in peaceable maner going to ane hous at the desire of the said rebell to gett contentment to the said pairtie, the saids David Mitchell and James Rid with sundrie others thair complices and acquaintance came maist feirclie upon the said messenger with thair swords and others weapons, bereft him of the rebell and openlie avowit to take his lyfe; and not content thairwith, bot strake and dang him on his face and heid to the effusion of his blood in great quantitie and gave him manie blae and bloodie straiks on his bodie and bereft him of his whinger, without anie offence done be him to thame; and yit openlie avowis to bereave him of his lyfe." Charge having been given to the said David Mitchel and James Rid, and the pursuers compearing personally and also David Mitchell, the Lords, after hearing the pursuer's witnesses, find it proven that David Mitchell struck the said officer in the execution of his office, thereby committing a very great insolence, and for this they ordain him to enter himself in ward within the tolbooth of Edinburgh and there remain until he exhibit the sald rebel "in as good caise as he wes when the caption wes used," and to pay £20 to the said messenger. They also ordain the said James Rid to be put to the horn for his non-compearance. P. 475. P. 476. P. 477.

Holyrood House, 24th August 1638.

Sederunt:—Commissioner; Treasurer; Privy Seal; Mar; Murray; Linlithgow; Kingorne; Hadinton; Lauderdaill; Kinnoull; Belheaven; Advocate; Justice; Justice Clerk; Treasurer Depute; Blakhall.

Supplication by Colin Campbell for a warrant to manage the affairs of his brother, John Campbell, fiar

Supplication by Colin Campbell, brother to John Campbell, fiar of Calder, as follows:—"It hes pleased God to visite his said brother with ane heavie sicknes wherby he is distracted in his witts and altogither unable to governe his awne persone or manage his affairs, as by ane testimoniall subscribed be his haill freinds, ane phisitiane and certane

Decreta, April 1635–February 1639. P. 477. P. 478.

ministers heir present to shew will appeir. And wheras his said brother may sustene harme in his person yf he be left to himselfe in this his distemperatour and his estate and living in this meanetyme throw default of government may be misguided yf some course be not tane for ordering the same," he craves that he may be allowed "to have a care of his brothers persone and to intromett with his rents and living, he being comptable alwayes to Archibald, Lord Lorne, and such of the said supplicants brothers freinds as the said Lord sall associat to himselfe." The Lords grant what is craved, but their warrant is to endure for one year only.

of Calder, who is insane.

Complaint by Robert, Lord Dalziel, against James Somerville in Throwburne and others for entering into a bond in prejudice of the complainer.

Complaint by Sir Thomas Hop of Craighall, King's Advocate, and Robert, Lord Dalyell, as follows:—"Albeit the making and subscriving of bands amongs his Majesties subjects hes beene verie oft prohibite and discharged be divers Acts of Parliament made be his Majesties prædecessors of eternall and famous memorie under certain pains mentioned and conteaned therein, notwithstanding it is of trewth that in the moneth of May last bypast and upon severall dayes of the saids moneths the persons underwritten, they are to say, James Sumervaill in Throwburne, David Bockie ther, Johne Purdie in West Forth, David Johnestoun in East Forth, William Inglis ther, James Jakson in Sobwod, William Kadnow ther, James Blak there, James Sumervaill ther, William Sumervaill in Hywod, William Shaw and Johne Ramsay ther, William Sumervaill in West Sydwood, Hew Sumervaill ther, James Sumervaill in Amforlaw, John Sumervaill ther, Johne Liddell in Caldlaw, Johne and Hew Lyns and James Kay in Achingray, Walter Sumervaill and William Hunter in Greenfeild, Adame Sumervaill and Adame Huntar in Carbrax, James Johnstoun in Saith, Johne Shaw in Cauldames and William Somervaill in Greenfeild, James Forrest, writtar, notar in Lanerk, sometyme the said compleaner his tennents in Carnwath, and aganis whom, he, after a long processe of law, hes obteaned decreits of removing, convocat and assembled thameselfs in the said barronie of Carnwath and ther in a seditious maner bandit thameselvs aganis the said compleaner never to acknowledge him as master nor to pay unto him anie of the maills, fermes or dewties and never to agree with him, and that each one of thame sall take ane plane and effauld part with others; and for this effect hes made and subscrived ane band that each one of thame sall defend and assist one another and hes bund thameselvs to the observation thairof under the paine of perjurie and defamation." Charge having been given to these persons, and both pursuers and defenders being present, the band foresaid was produced before their Lordships; whereupoun the defenders asked instruments, and "alledgit that this band fell not within the compas of the Act of Parliament, seing bands of manrent are onlie therby discharged. Quhilk exception being heard and considerit be the saids Lords and they thairwith well advised, the Lords of Secreit Counsell all in on voice, after voiceing finds and declares that the band forsaid falls

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within the compas of the Act of Parliament and that the makers thairof are punisheable according to the said act. Quhairupon the said Lord of Dalyell for himselfe and his Majesties said Advocat for his Majesties entreis declared that they past from all criminal persute in this bussines and wald rest satisfied with what the said Lords of Counsaill sould declare heirin." The Lords find and declare the band foresaid "to be null and to have na strenth, force, effect nor execution heirafter, and the subscribers of the said band to be punisheable in thair persons and goods, and ordains the said subscrivers to be committed to ward within the tolbuith of Edinburgh, therein to remain upon thair awne expenses during the said Lord of Dalyell his will and pleasure; and ordains the Clerk of Counsall upon the said Lord of Dalyell his warrand to give warrant for the libertie of the saids defenders out of ward. And farther, the saids Lords decerns the saids haill defenders in a fyne of three thowsand merk to be payed be thame to his Majesties Thesaurer, and this sowme to be dividit among thame in that maner as they wald have payed the charges of thair pleyes at law as is conteand in thar band." Decreta, April 1635–February 1639. P. 479.

Holyrood House, 22nd September 1638.

Sederunt:—Commissioner; Treasurer; Privy Seal; Mairshell; Mar; Murrey; Linlithgow; Perth; Wigton; Kingorne; Tullibardin; Hadinton; Annandaill; Lauderdaill; Kinnoull; Dumfreis; Southesk; Belheaven; Lord Angus; Lord Lorne; Lord Elphinston; Lord Naper; Lord Dalyell; Lord Amont; Clerk Register; Advocate; Lord Justice; Deputy Treasurer; Justice Clerk; Blakhall. Acta, May 1636–November 1639. Fol. 263, a.

Declaration by his Majesty annulling the Book of Canons, the Service-book, the Court of High Commission, and the Five Articles of Perth; ordering the meeting of a Free General Assembly and a Parliament, and requiring subscription to the Confession of Faith of 1580.

"The whilk day [the] Marques of Hamilton, Erle of Arran and Cambridge, his Majesteis Commissioner, produced and exhibite before the Lords of his Majesteis Privie Counsell the letters and act underwrittin, quhilk being read in audience of the saids Lords and heard and considerit be thame, and they with most submissive humble and dewtifull respect acknowledging his Majesteis exceeding great favor borne be his Majestie to this his native and ancient kingdome, they ordained the said letter to be insert and registrat in the bookes of his Majesteis Privie Counsell and publication to be made thairof be opin proclamation at the mercat croces of the heid burrowes of this kingdome and all others places neidfull, wherethrow nane of his Majesteis subjects pretend ignorance of the same, of the quhilk letter and act the tenor followes:—CHARLES R.—Seing the caus and occasion of all the distractions which have happenned of late, both in church and commoun wealth of this kingdome, have proceedit frome the conceaved feares of innovation of religion and lawes, to free all our good subjects of the least suspicion of anie intention in us to innovat anie thing ather in religion or lawes, and to satisfie not onelie thair desires, but even thair doubts, we have discharged and by these presents doe discharge the Service Booke, Booke of Canons and High Commission, and the practise of thame or anie of thame,

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and by these presents annulls and rescinds all acts of Counsell, proclamations and other acts or deeds quhatsomever that have beene made or
Fol. 263, a. published for establishing thame or anie of thame and declares the same to be null and to have no force nor effect in time comming. And, being informed that the urging of the practise of the fyve Articles of Pearth Assemblie hes bred great distraction and division in the church and estat, we have beene graciouslie pleased to take the same into our consideration and for the quyet and peace of church and state doe not
Fol. 263, b. onelie dispense with the practise of the saids articles, but also discharges, lykeas by these we doe discharge all and whatsomever persons frome urging the practise thairof upon ather laick or ecclesiasticall person whatsomever; and we doe heirby free all our subjects from all censure and pane, whether ecclesiasticall or secular, for not urging, practising or obeying the same, notwithstanding of anie thing conteanned in the acts of Parliament or Generall Assemblie to the contrare. And becaus it hath beene to the disgrace of governement dispersed and surmised throughout the kingdome that some of our subjects have exercised suche unwarranted and illimited power and have held thameselves exeemed frome censure and punishment to whiche others our subjects ar lyable, we doe by these presents declare that if anie of our subjects, whether ecclesiasticall or civill, of what qualitie, title or degree soever, have or sall at anie time presoome to doe anie suche act or assume to thameselves anie suche exemption or power, that they sall, lykeas by these presents we make and ordaine thame to be lyable to the tryell and censure of Parliament, Generall Assemblie or other judicatoreis competent according to the nature and qualitie of the offence; and for the free entrie of ministers that no other oath be administred unto thame then that whiche is conteaned in the act of Parliament. And to give our subjects full assurance that we never intend to admitt of anie change or alteration in the trew religion alreadie established and professed in this our kingdome, and that all our good people may be fullie and cleerelie satisfied of the realitie of our intentions towards the maintenance of the truthe and integritie of the said religion, we have thought fitt and expedient to injoyne and authorize, lykeas we by these presents doe require and command all the lords of our Privie Counsell, senators of the Colledge of Justice, judges and magistrats to burgh and land and all our others subjects quhatsomever to subscribe and renew the Confession of Faith subscribed at first be our deare father and his houshold in the yeere of God 1580, thereafter be persons of all rankes in the yeere 1581, by ordinance of the Lords of Secreit Counsell and acts of the Generall Assemblie, subscribed agane by all sorts of persons in the yeere 1590 by ane new ordinance of Counsell at the desire of the Generall Assemblie with the Generall Band for maintenance of the true religion and of the Kings person; and for that effect we doe require the Lords of Counsell to take suche course anent this foresaid Confession and Generall Band
Fol. 264, a. that it may be subscribed and renewed throughout the whole kingdome

with all possible diligence. And becaus we will not leave in our subjects mindes the least scruple or doubt of our royall intentions and reall resolutions, we have givin warrant to our Commissioner to indict a free Generall Assemblie to be haldin at Glasgow, the 21 day of November, in this present yeere, 1638, and thereafter ane parliament to be haldin at Edinburgh, the 15 day of May, 1639, for settling a perfyte peace in the church and commoun weale of this kingdome. And becaus it is likelie that the disorders and distractions quhilks have happenned of late have beene occasioned through the conceaved feares of innovation of religion and lawes and not out of anie disloyaltie or disaffection to soveranitie, we ar graciouslie pleased absolutlie to forgett what is past and freelie to forgive all bygones to all suche as sall acquiesce to this our gracious pleasure and carie thameselves peaceablie as dewtifull and loyall subjects, and sall ratifie and approve the same in our next ensewing parliament. And that this Assemblie may have the better successe and more happie conclusion our will is that there be a solemne fast proclamed and keeped be all our good subjects of this our kingdome a fourteene dayes before the begining of the said Assemblie, the causes thairof to be a begging a blessing frome God upon that Assemblie and a peaceable end to the distractions of this church and kingdome, with the aversion of Gods heavie judgement frome both; and our pleasure is that this fast be keeped in the most solemne maner hes beene in this church at anie time heertofore upon the most extraordinar occasion. Frome our Court at Oatlands, the 19th of September, 1638."

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Act approving his Majesty's declaration.

" The Lords of Secreit Counsell, having read and maturelie considderit his Majesteis letters and particular declaration of his pleasure anent the annulling of the Service Booke, Booke of Canons and High Commission, discharging the pressing of the fyve articles, making all persons ecclesiasticall and civill of what title and degree soever lyable to the tryell and censure of Parliament, Generall Assemblie and other judicatoreis competent, anent the not administrating to ministers at thair entrie anie other oath then that whiche is conteanned in the act of Parliament, anent the subscribing and renewing the Confession of Faith subscribed be his Majesteis father of blessed memorie and his houshald *in anno* 1580 and band following thereupon, anent the indiction of a General Assemblie to be haldin at Glasgow the 21 day of November, 1638, and Parliament at Edinburgh, the 15 of May, 1639, and anent his gracious goodnes in forgetting and forgiving all byganes, and indiction of a fast for craving Gods blessing to this Assemblie, find thameselves so fullie satisfied therewith and the same to be so satisfactorie for removing all the feares of the subjects anent innovation of religion or lawes that we hold ourselves bound in dewtie not onelie to acquiesce therewith as the best meane to secure both religion and lawes, but also to use our best endeavoures that all his Majesteis subjects may lykewayes rest satisfied therewith, and that they with us and we with thame may testifie our thankfulnes for so great a grace and goodnes

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with all the heartie expressions of dewtifulness and loyaltie, and that our true sense heirof may more fullie appeare to our sacred soverane,

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we doe by these humbelie and heartilie make offer of our lyves and fortouns in the defending and assisting of his Majesteis sacred person and auctoritie in the maintenance of the foresaid religion and Confession and repressing of all suche as sall heerafter preasse to disturb the peace of this kirk and kingdome. In witnes quhairof we have heartilie and freelie subscribed these presents with our hands at Halyrudhous, the 22 day of September, 1638. *Sic subscribitur*, Hamilton, Traquaire, Roxburgh, Mairshell, Mar, Murrey, Linlithgow, Perth, Wigton, Kingorne, Tullibardin, Hadinton, Annandaill, Lauderdaill, Kinnoull, Dumfreis, Southesk, Belheaven, Angus, Lorne, Elphinston, Naper, Dalyell, Amont, J. Hay, S. Thomas Hope, S. W. Elphinston, Ja. Carmichaell, J. Hamilton, Blakhall."

The Confession of Faith of 1580 to which his Majesty now requires subscription.

"The Confession of Faith of the Kirk of Scotland, subscribed at first by the Kings Majesteis umquhile darrest father of blessed memorie and his houshald in the yeere of God, 1580; thereafter by persons of all rankes in the yeere of God, 1581, by ordinance of the Lords of Secreit Counsell, and acts of the Generall Assemblie; subscribed agane by all sorts of persons in the yeare 1590, by a new ordinance of Counsell at the desire of the General Assemblie, with the Generall Band for maintenance of the true religion; and now renewed and subscribed agane by his Majesteis speciall command by the right noble marques, James, Marques of Hamilton, Erle of Arran and Cambridge, Lord Aven and

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Innerdaill, his Majesteis High Commissioner and Lords of Secreit Counsell undersubscribing; and that of and according to the date and tennor of the said Confession of Faith dated in Marche 1580, and of the band dated in anno 1589."

The Confession of Faith.

"We all and everie ane of us underwrittin protest that after long and due examination of our owne consciences in maters of true and false religion [we] ar now throughlie resolved in the truthe by the word and spirit of God. And thairfoir we doe beleeve with our hearts, confesse with our mouths, subscribe with our hands, and constantlie affirme before God and the whole world that this onelie is the true christiane faith and religion, pleasing God and bringing salvation to man, whiche is now by the mercie of God revealed to the world by the preaching of the blessed evangell, and receaved, beleeved and defended by manie and sindrie notable kirks and realmes, but cheefelie by the Kirk of Scotland, the Kings Majestie and three estats of this realme, as Gods eternall truthe and onelie ground of our salvation; as more particularlie is expressed in the Confession of our Faith established and publictlie confirmed by sindrie acts of parliaments, and now of a long time hath beene openlie professed by the Kings Majestie and whole bodie of this realme both in burgh and land. To the whiche Confession and forme of religion we willinglie agree in our consciences in all points as unto Gods undowbted truthe and veritie, grounded onelie upon his writtin word. And thairfoir

we abhorre and detest all contrarie religion and doctrine, but cheefelie all kynd of papistrie in generall and particular heads, even as they ar now damned and confuted by the word of God and Kirk of Scotland; but in speciall we detest and refuse the usurped auctoritie of that Romane antichrist upon the scriptures of God, upon the Kirk, the civill magistrat and consciences of men, all his tyrannous lawes made upon indifferent things aganis our christiane libertie, his erroneous doctrine aganis the sufficiencie of the writtin word, the perfection of the law, the office of Christ, and his blessed evangell, his corrupt doctrine concerning originall sinne, our naturall inabilitie and rebellion to Gods law, our justification by faith onelie, our imperfect sanctification and obedience to the law, the nature, number and use of the holie sacraments, his five bastard sacraments, with all his rites, ceremoneis and false doctrine added to the ministration of the true sacraments without the word of God, his cruell judgement aganis infants departing without the sacrament, his absolute necessitie of baptisme, his blasphemous opinion of transubstantiation or reall presence of Christs bodie in the elements and receaving the same by the wicked or bodeis of men, his dispensations with solemne oathes, perjureis and degrees of mariage forbidden in the word, his crueltie aganis the innocent divorced, his devilish masse, his blasphemous preesthood, his profane sacrifice for the sinnes of the dead and quick, his canonization of men, calling upon angels or saincts departed, worshipping of imagerie, relicts and crosses, dedicating of kirks, altars, dayes, vowes to creatures, his purgatorie, prayer for the dead, praying or speaking in a strange language, with his processions and blasphemous letanie and multitude of advocats or mediators, his manifold orders, auricular confession, his desperat and uncertane repentance, his generall and doubtsome faith, his satisfactions of men for thair sinnes, his justification by workes, *opus operatum*, works of supererogation, merits, pardons, peregrinations and stations, his holie water, baptising of bells, conjuring of spirits, crossing, saynning, anoynting, conjuring, hallowing of Gods good creatures with the superstitious opinion joynned therewith, his worldlie monarchie and wicked hierarchie, his three solemne vowes, with all his shavelings of sindrie sorts, his erroneous and bloodie decrees made at Trent, with all the subscribers and approvers of that bloodie band conjured against the kirk of God; and, finallie, we detest all his vain allegoreis, rites, signes, and traditions brought in the Kirk without or aganis the word of God and doctrine of this true reformed Kirk, to the whiche we joyne ourselves willinglie in doctrine, faith, religion, discipline and use of the holie sacraments as livelie members of the same in Christ our head; promising and swearing by the great name of the Lord our God that we sall continue in the obedience of the doctrine and discipline of this Kirk and sall defend the same according to our vocation and power all the dayes of our lyves, under the panes conteanned in the law and danger both of bodie and soule in the day of Gods fearefull judgement. And

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seing that manie ar stirred up by Satan and that Romane antichrist to promise, sweare, subscribe and for a time to use the holie sacraments in the Kirk deceatfullie aganis thair owne consciences, mynding heirby first under the externall cloake of religion to corrupt and subvert secreitlie Gods true religion within the Kirk and afterwards, when time may serve, to become open enemeis and persecuters of the same, under vaine hope of the Popes dispensation devised aganis the word of God to his greater confusion and thair double condemnation in the day of the

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Lord Jesus, we, thairfoir, willing to take away all suspicion of hypocrisie and of suche double dealing with God and his Kirk, protest and call the searcher of all hearts to witnes, that our mynds and hearts doe fullie agree with this our confession, promise, oath and subscription, so that we ar not moved for anie worldlie respect, but ar perswaded in our consciences through the knowledge and love of Gods true religion printed in our hearts by the Holie Spirit, as we sall answer to him in the day when the secrets of all hearts sall be disclosed. And becaus we perceave that the quyetnes and stabilitie of our religion and Kirk doeth depend upon the saifetie and good behaviour of the King's Majestie as upon a comfortable instrument of Gods mercie grantit to this countrie for the maintenance of his Kirk and ministration of justice among us, we protest and promise with our hearts under the same oath, handwritt and panes, that we sall defend his person and auctoritie with our gear, bodeis and lyves in the defence of Christ his evangell, liberteis of our countrie, ministration of justice and punishment of iniquitie aganis all enemeis within this realme or without, as we desire our God to be a strong and mercifull defender to ws in the day of our death and comming of our Lord Jesus Christ; to whome with the Father and the Holie Spirit be all honnour and glorie, amen."

Band to be subscribed for the maintenance of the above Confession.

"We underscribing, considering the strait linke and conjunction betweene the true and christiane religion presentlie profest within this realme and our soverane lords estat and standing, having both the selfe same freinds and commoun enemeis, and subject to the like event of standing and decay, and weying therewithall the imminent danger threatned to the said religion (the preservation quhairof being dearer to us nor whatsoever we have darrest to us in this life), and finding in his Majestie a most honnorable and christiane resolution to manifest himselfe to the world that zealous and religious prince whiche he hath hitherto professed, and to imploy the meanes and power that God hath putt in his hands, als weill to the withstanding of whatsoever forrane force sall meane within this yland for alteration of the said religion or endangering of the present state as to the repressing of the inward enemeis thereto amongs our selves, linked with thame in the said antichristian league and confederacie, have thairfoir in the presence of almightie God, and with his Majesteis authorizing and allowance, faithfullie promised and solemnelie sworne, lykeas heirby we faithfullie promise and solemnelie sweare to take a true, effald and plaine part with

his Majestie amongs our selves for diverting of the appearing danger threatned to the said religion and his Majesteis standing depending thereupon by whatsoever forrane or intestine plotts and preparations; and to that effect faithfullie and that upon our truthe and honnors bind and oblige us to others to conveene and assemble our selves publictlie with our freinds in armes or in quyet maner. at suche times and places as we sall be required by his proclamations or by writt or message directed to us from his Majestie or anie having power frome him; and being conveenned and assembled to joyne and concurre with the whole forces of our freinds and favorers aganis whatsoever forrane or intestine powers or papists and thair partakers sall arive or rise within this yland or anie part thairof, readie to defend or persue as we sall be authorized and conducted by his Majestie or anie others having his power and commission, to joyne and hold hand to the execution of whatsoever meane or order sall be thought meit by his Majestie and his Counsell for suppressing of papists, promotion of the true religion and settling of his hienes estat and obedience in all the countreis and corners of this realme, to expone and hazard our lyves, lands and goods and whatsoever meanes God hath lent us in the defence of the said true and christiane religion and his Majesteis person and estat, aganis whatsoever jesuits and seminarie or messe preests, condemned enemeis to God and his Majestie, to thair utter wrack and extermin[at]ion, according to the power grantit to us by his Majesteis proclamation and acts of parliament, to try, search and seeke out all excommunicats, practisers and others papists whatsoever within our bounds and shire where we keepe residence, and delate thame to his hienes and his Privie Counsell, and conforme us to suche directions as frome time to time we sall receave frome his Majestie and his Counsell in thair behalfe; and speciallie so manie of us as presentlie ar or heerafter sall be appointed commissioners in everie shire sall follow, persue and travell by all meanes possible to take and apprehend all suche papists, apostats and excommunicats as we sall receave in writt frome his Majestie, and we the remanent within that shire sall concurre and assist with the saids commissioners with our whole freinds and forces to that effect without respect of anie person quhatsoever; and generallie to assist in the meane time and defend everie one of us another in all and whatsoever querrells, actions, debats moved or to be moved aganis us or anie of us upon action of the present band or other causes depending thereupon, and effaldlie joyne in defence and persute of quhatsomever sall offer or intend anie injurie or revenge aganis anie one of thame for the premises, making his caus and part that is persewed all our parts, notwithstanding quhatsoever privy grudge or displeasure standing betuix anie of us, which sall be no impediment or hinder to our said effauld joyning in the said commoun caus, but to ly over and be misknowne till they be orderlie removed and tane away by the order afterspecifeit, to the whiche time we for the better furtherance of the said caus have assured and be the tenor heirof everie

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ane of us taking the burden upon us for our selves and all that we may lett assure eache other to be unhurt, unharmed or anie wayes to be invaded by us or anie of our foresaids for old feed or new otherwayes nor be ordinarie course of law and justice; nather sall we nor anie of our foresaids make anie provocation or tumult, trouble or displeasure to others in anie sort as we sall answer to God and upon our honnors and fidelitie to his Majestie. And for our further and more heartie union in this service, we ar content and consent that all whatsoever our feeds and variances fallin or that may fall out betuix us be within fourtie dayes after the date heirof amicablie referred and submitted to seven or five indifferent freinds chosin by his Majestie of our whole number, and by thair moderation and arbitrement componned and tane away; and finallie that we sall nather directlie nor indirectlie separat nor withdraw us frome the union and fellowship of the remanent by whatsoever suggestion or privat advice, or whatsover incident, regard, or stay suche resolution as by commoun deliberation sall be takin in the premises, as we sall answer to God upon our consciences and to the world upon our truthe and honnors under the pane to be esteemed trators to God and his Majestie, and to have lost all honnour, credit and estimation in time comming. In witnes quhairof by his Majesteis speciall command, allowance and protection promised to us therein, we have subscribed thir presents with our hands at , 1589."

"We James, Marques of Hamilton, Earle of Arran and Cambridge, Lord Aven and Innerdaill, his Majesteis High Commissioner, and Lords of his Majesteis Privie Counsell undersubscribing by vertue and conforme to a warrant and command signed by his sacred Majestie, of the date the 9 of September, 1638, and registrat in the bookes of Counsell upon the 22 day of the said moneth, sweare and with our hearts and humble and true affections to Gods truthe and to his sacred Majestie subscribe the Confession of Faith of and according to the date and tennor abonespecifeit, and als renew, sweare and subscribe the foresaid Generall Band of the tenor abonewrittin for preservation of the true religion and maintenance of his sacred Majesteis auctoritie according to the tenor thairof, siclyke and als amplie as the same wes conceaved in favors of his Majesteis umquhill blessed father of eternall memorie by the said Band. In witnes quhairof we have subscribed these presents with our hands at Halyrudhous, the 22 day of September, 1638. *Sic subscibitur*, Hamilton, Traquair, Roxburgh, Mairshell, Mar, Murrey, Linlithgow, Perth, Wigton, Kingorne, Tullibardin, Hadinton, Annandaill, Lauderdaill, Kinnoull, Dumfreis, Southesk, Belheaven, Angus, Lorne, Elphinston, Naper, Dalyell, Amont, J. Hay, S. Thomas Hop, S. W. Elphinston, Ja. Carmichael, F. Hamilton, Blakhall."

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Subscription of the Confession of 1580 and of the General Band of 1589 by the Council.

The whilk day a noble marques, James, Marques of Hamilton, Erle of Arran and Cambridge, his Majesteis Commissioner, and Lords of Secreit Counsell, in all humble and heartie affection unanimouslie swore and subscribed the Confession of Faith abonewrittin, dated Marche, 1580,

according as it wes than profest within this kingdome, togidder with the Generall Band abonespecifeit, dated in anno, 1589; quhairupon Sir Thomas Hope of Craighall, his Majesteis Advocat, in his Majesteis name asked instruments." Acts, May 1636-November 1636. Fol. 267, b.

Proclamation of the General Assembly to meet in Glasgow on the 21st of November next.

"Forsamekle as it hes pleased the Kings Majestie, out of his pious and religious disposition to the true religion and out of his fatherlie care for removing of all feares, doubts and scruples whiche may arise in the mynds of his subjects for preservation of the puritie thairof, and upon diverse great and weightie considerations importing the glorie of God, the peace of the kirk and commoun weale of this kingdome, to appoint and give order that a free Generall Assemblie be indicted, keeped and haldin at the citie of Glasgow upon the 21 of November nixt, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging maissers and officers of armes to pas and make publication heirof by opin proclamation at the mercat croce of Edinburgh and head burrowes of this kingdome and others places neidfull, and to warne all and sindrie archbishops, bishops, commissioners of kirks and others having place and vote in the Assemblie, to repaire and addresse thame- Fol. 268, a.
selves to the said citie of Glasgow, the said 21 day of November nixtocome, and to attend the said Assemblie induring the time thairof, and ay and whill the same be dissolved, and to doe and performe all whiche to thair charges in suche caises apperteanneth, as they will answer to the contrarie at thair highest perrell."

Proclamation of the meeting of Parliament in Edinburgh on the 15th of May next.

"Forsamekle as it hes pleased his Majestie out of his pious and religious disposition to the true religion, and out of his fatherlie care for removing of all feares, doubts and scruples whiche may arise in the mynds of his subjects for preservation of the puritie thairof, and upon diverse others great and weightie causes importing the glorie of God, the peace of the kirk and commoun weale of this kingdome, to appoint and give order that the soverane and high court of Parliament sall be haldin at the citie of Edinburgh upon the 15 day of May nixtocome with continuation of dayes, thairfoir the Lords of Secreit Counsell ordains letters to be direct to maissers and officers of armes charging thame to pas to the mercat croce of Edinburgh and others places neidfull, and there be opin proclamation to make publication of the holding of the said Parliament, and to warne all and sindrie noblemen, prelats and commissioners for the barons and burrowes, and all others having voice and place in the said Parliament, that they and everie ane of thame in thair most decent and comelie maner make thair addresse to the said Parliament, attend and await therat during the time thairof, and to discharge that dewtie whiche is incumbent to thame and eache of thame, as they will answer on the contrarie at thair perrell."

Two letters from his Majesty requiring subscription to the Confession

"The whilk day James, Marques of Hamilton, his Majesteis Commissioner, produced and exhibite before the Lords of Privie Counsell the twa missives underwrittin, signed be the Kings Majestie and direct to the saids Lords; quhilk being read, heard and considderit be the saids

Acta, May 1636-November 1639. Fol. 268, a. Lords, they have ordained and ordains the same to be insert and registrat in the bookes of Secreit Counsell, therein to remaine *ad futuram rei memoriam*; quhereof the tenor followes:—CHARLES R.—Right trustie and &c. Being certanelie informed that the distractions whiche have happenned of late both in kirk and commoun weale within this our ancient kingdome of Scotland have muche troubled the mynds of manie of our good and loyall subjects, and that these distractions have beene occasiouned upon jealouseis and feares of innovation of religion and lawes as tending to the introduction of poprie, and not without some suspicion as if we ourselfe wer inclynned that way, upon occasion quhairof manie of our subjects have of late subscribed a band or covenant for preserving the religion and lawes alreadie established and for defending the Kings person and eache others in defence thairof, but the same, not being warranted by royall auctoritie (as that whiche wes in our deare father's time), must needs of it selfe be ineffectuall, and muche prejudiciall to the ancient forme and custome of government keeped within that our kingdome of Scotland; wherefore we, out of our inborne love to our said native countrie, and for obviating these conceaved feares and satisfying of yow and all our loving people, have thought good to ordaine the Confession of Faith and Band subjoynned thereto, of the date at Edinburgh, Januar 28, 1580, and signed by our royall father, to be renewed, and to that effect have givin order to our Commissioner, with advice of our Counsell, to sett down and sattle some solide course quhairby the same may be subscribed by our Counsell, judges, magistrats of burrowes and all others our people of that kingdome. And for farther cleering of ourselfe, we declare that, as we ar and ever have beene satisfied in our judgement and conscience for the reformed religion now established and aganis the Romane, so we purpose by Gods grace both to live and dee in the practise thairof, and to preserve and mainteane the same in full strenth and integritie according to the lawes of that our ancient kingdome. What we have thought farther fitting to be done at this time concerning the particulars conteanned in our subjects petitions yow sall receave our full pleasure therein from our Commissioner; and that this our declaration concerning our selfe and our pious intention for settling the reformed religion within that our kingdome may appeare to posteritie, our pleasure is that these presents be registrat in the bookes of Counsell. Oatlands, the 9 of September, 1638."

of 1580 by the Council and by his subjects under penalties.

"The King's Majesteis charge to all commissioners and ministers within this realme.

"CHARLES R.—Considering that the disorders whiche have happenned of late within this our ancient kingdome of Scotland have beene occasiouned upon feares of introducing innovations in religion, and having nothing more in our consideration then to secure and advance Gods true worship and the reformed religion alreadie established within this our kingdome, and to protect and defend our good subjects in the practise thairof, according to this subsequent Confession, and thairfoir to give full satis-

Fol. 268, b.

Fol. 269, a.

faction to thame and to all the world that we never intended the least alteration in the same, and to free our good subjects from all suspicions and feares in that kynd, we have injoyned and authorized the Lords of our Privie Counsell, to the good exemple of others our subjects, to subscribe the Confession of Faith formerlie signed by our deare father, *anno* 1580, and at his command by the most part of the kingdome, and, as he then, so we lykewayes now by these presents doe command and charge all our commissioners and ministers to subscribe and crave subscription to the same Confession of thair parochiners, and to proceed aganis the refusers according to our lawes and orders of the Kirk, delivering thair names and lawfull processe to the Lords of our Privie Counsell with all haste and diligence, under the pane of fourtie punds to be takin from thair stipends, that our Counsell may take order with suche proud contemners of God and our lawes. Signed by our royall hand at Oatlands, the 9 of September, 1638." Acta, May 1636–November 1639. Fol. 269, a.

Letter from the Council to his Majesty expressing gratitude for his concessions in respect of the petitions of his subjects.

"The Counsells missive to his Majestie anent the proceedings abonementiouned.

"Most sacred Soverane, If ever faithfull and loyall subjects had reason to acknowledge extraordinarie favors showne to a nation, and in a most submissive and heartie maner give reall demonstrations of the grace vouchesafed then we doe, we of your Majesteis Counsell of this your ancient kingdome unanimouslie professe that suche acts of clemencie cannot proceed frome anie prince saving him who is the livelie image on earth of the great God, author of all goodnes. For returne of so transcendent grace fortified with the reall expression of unparallelled pietie, royall inclination to peace and universall love, not onelie to these of our number but lykewise to all your Majesteis loyall subjects, we doe, all in one voice, with all resentment can be imagined, in all humilitie render our most boundin thankes, and offer, in testimonie of our full satisfaction and acquiescence heerewith, to sacrifice our lyves and fortouns in secunding your sacred Majesteis commandements, and repressing all suche as sall heerafter preasse to disturbe the peace of the Kirk and kingdome. And for some small signification of our alacritie and diligence in your sacred Majesteis service we have all, without the least shadow of anie scruple, subscribed the Confession of Faith and Band appointed to be receaved by all your Majesteis loyall subjects [and] sent the act passed in Counsell with our other proceedings, whiche we doe most humblie represent to your royall view; and we beseeche your Majestie to be pleased to be perswaded of the inviolable devotion of all heere subscribers who doe all in all humilitie pray for your Majesteis most happie and floorishing raigne. *Sic subscribitur*, Hamilton, Traquaire, Roxburgh, Mar, Murrey, Linlithgow, Perth, Wigton, Kingorne, Tullibardin, Hadinton, Annandaill, Lauderdaill, Kinnoull, Dumfreis, Southesk, Belheaven, Angus, Lorne, Elphinston, Naper, Dalyell, Amont, J. Hay, S. Thomas Hop, S. W. Elphinston, Ja. Carmichaell, J. Hamilton, Blakhall." Fol. 269, b.

May 1636-November 1639.

Sederunt ut die prædicto, excepto Orbeston.

Holyrood House, 24th September 1638.[1]

Fol. 269, b. "The whilk day a noble Marques, James, Marques of Hamilton, Erle of Arran and Cambridge, his Majesteis Commissioner, having produced before the Lords of Secreit Counsell upon the 22 day of this instant a warrant signed by his Majestie, of the date the 9 of September instant, wherin amongs others his Majesteis gracious and royall expressions for preservation of the puritie of religion, and due obedience to his Majesteis auctoritie in the maintenance thairof, his Majestie did will and ordane that the Lords thameselves sould sweare and subscribe the Confession and Generall Band mentioned in his Majesteis said warrant, and also sould take suche order as all his Majesteis lieges may subscribe the same; and the saids Lords of Secreit Counsell, acknowledging his Majesteis pious and gracious disposition and affection to the puritie of Gods truthe, did upon the 22 day of September instant unanimouslie and with all humble, heartie and sincere affection sweare and subscribe the Confession of Faith, dated in Marche, 1580, according as it wes than profest within this kingdome, togidder with the foresaid Generall Band, dated in *anno* 1589, and now to the effect that all his Majesteis lieges may give the like obedience to his Majesteis so pious desire, thairfoir the saids Lords have ordained and ordains all his Majesteis leiges of whatsoever estat, degree or qualitie, ecclesiasticall or civill, to sweare and subscribe the said Confession dated the 2 of Marche 1580, and that according to the said date and tenor thairof and as it wes than profest within this kingdome, togidder with the said Generall Band, dated in *anno* 1589, as they will answer at the contrare upon thair obedience; and ordains officers of armes to pas to the mercat croce of Edinburgh and make publication heirof and at all other places neidfull, wherethrow nane pretend ignorance of the same."

[1] In the Sederunts this is under 22nd September, but evidently 24th is intended.]

Charge to all his Majesty's subjects to subscribe the Confession of 1580 and the General Band of 1589, under penalties.

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"Forsamekle as a noble Marques, James, Marques of Hamilton, Erle of Arran and Cambridge, his Majesteis Commissioner, and Lords of Secreit Counsell by ane act of the date the 22 of this instant, have by speciall warrant of his sacred Majestie sworne and subscribed with all humble and heartie affection and unanimouslie the Confession of Faith, dated the secund of Marche 1580, and at lenth insert in the bookes of Privie Counsell of and according to the said date and tenor thairof and according as it wes than profest within this kingdome, togidder with the Generall Band insert therewith in the saids bookes of Privie Counsell, dated in *anno* 1589, lykeas also the saids Lords of Counsell by thair act of the date of these presents acknowledging his Majesteis pious and gracious disposition and affection to the puritie of Gods truthe, and as thereby they conceave thamselves bound in conscience and humble dewtie to use and follow furth all possible diligence for procuring the subscriptions of all his Majesteis lieges thereto, and to this effect have thought fitt that the care and diligence in procuring thairof be committed to some of his Majesteis Counsell and others of the nobilitie and gentrie

Appointment of commissions for each sheriffdom in the kingdom to enforce subscription to the Confession of 1580 and the General Band of 1589.

within the severall shirefdomes and provinces of the kingdome in maner afterspecifeit, thairfoir the said Lord Commissioner and Lords of Secreit Counsell give power, warrant and commission to suche of thair number and others after following within the bounds after specifeit, viz.:—For the shirefdome of Edinburgh principall, Williame, Erle of Lothiane, Archibald, Lord Naper, Sir Johne Dalmahoy of that ilke, Sir George Towres of Innerleith; for the burgh of Edinburgh, the provest and bailleis of Edinburgh that ar or sall be for the time; for East Lothiane, Robert, Erle of Roxburgh, Lord Privie Seale, Thomas, Erle of Hadinton, Johne, Erle of Lauderdaill, Harie, Lord Ker, Sir Patrik Murrey of Elibanke, Sir Patrik Hepburne of Wauchton and James Maxwell of Innerweik; for the stewartrie of Dalkeith, Johne, Erle of Traquair, Lord Tresaurar, William, Erle of Dalhoussie, and Sir James McGill of Cranstonriddell; for the shirefdome of Pebles, the said Lord Tresaurar and Johne, Lord Yester; for the shirefdome of Selkirk, the said Lord Tresaurar, the Erle of Hadinton, Sir William Scot of Harden and Generall Ruthven; for the shirefdome of Roxburgh, the Lord Privie Seale, the Eale of Lauderdaill, the Lord Ker, Sir Andro Ker of Greenheid, Sir William Dowglas, shireff of Teviotdaill, and Sir Thomas Ker of Cavers; for the shirefdome of Bervick, the said Lord Privie Seale, James, Erle of Home, the Erles of Hadinton and Lauderdaill and Laird of Blacader; for the shirefdome of Fyffe, Johne, Erle of Rothes, Charles, Erle of Dumfermline, Johne, Erle of Annandaill, Johne, Erle of Wemes, , Lord Fentoun, Johne, Lord Lindsey, David, Lord Balcarres, Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, Sir Alexander Gibson of Durie, Sir James Learmonth of Balcolmie and Sir Andro Murrey of Balvaird; for the shirefdome of Linlithgow, Alexander, Erle of Linlithgow, James, Lord Amont, Sir Johne Hamilton of Orbestoun, Justice Clerk, Dundas of that Ilke and Mr George Dundas of Maner; for the shirefdome of Lanerk, Johne, Erle of Wigton, Archibald, Lord Angus, , Lord Fleeming, Robert, Lord Dalyell, Sir William Elphinston, Cheefe Justice, Sir James Carmichaell of that Ilke, Tresaurar Deput, the said Justice Clerk, Sir James Lokhart, younger of Lee, Francis Dowglas of Sandelands, Gawin Hamilton of Raploche, Sir James Hamilton of Broomhill, Robert Hamilton of Torrence and Alexander Hamilton of Hags, shireff; for the shirefdome of Stirline, Johne, Erle of Mar, William, Erle of Airth, Johne, Erle of Montrois, Alexander, Erle of Linlithgow, Johne, Erle of Wigton, Johne, Lord Fleeming, Alexander, Lord Elphinston, James, Lord Amont, and Sir William Murrey of Polmais; for the shirefdome of Dumfreis, William, Erle of Queinsberrie, , Maister of Dalyell, the Laird of Lag, William Maxwell of Kirkhous, and Johne Dalyell of Newtoun; for the shirefdome of Clackmannan, the said Erle of Mar, Sir Robert Bruce of Clackmannan, Sir Thomas Hope, younger of Cars, shireff; for the shirefdome of Wigton, Johne, Erle of Cassills, Alexander, Erle of Galloway, Sir Johne Hamilton, elder and younger of Barganie, Sir Patrik McKie

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of Larg, Johne Murrey of Brouchton; for the shirefdome of Air, Alexander, Erle of Eglinton, Alexander, Erle of Glencarne, Johne, Erle of Cassills, William, Erle of Dumfreis, William, Lord Crichton, Johne, Lord Lowdoun, the Lairds of Barganie, elder and younger, the Lairds of Gastoun and Cragiewallace; for the shirefdome of Renfrew, Alexander, Erle of Glencarne, Robert, Viscount of Belheaven, Sir Archibald Stewart of Blakhall, the Laird of Howston, Bryce Sempill of Cathcart, Sir Robert Dowglas of Blaikester and Sir Johne Maxwell of Pooke; for the shirefdomes of Dumbartane, Argile and Tarbet, the saids Erles of Montrois and Wigton, the Lords Lorne and Fleeming, Sir George Stirline of Ker and Sir William Stewart, captane of the castell of Dumbartane; for the shirefdomes of Perth, stewartreis of Monteth and Stratherne, the Erles of Airth, Montrois, Atholl, Perth, Tullibardin and Kinnoull, Mungo, Vicount of Stormont, the Lairds of Keir and Lairds of Lawers, elder and younger, the Lairds of Duncrib, elder and younger, and Blair of Baltheyock; for the shirefdome of Forfar, the Erles of Montrois, Kingorne and Southesk, the Lords Carnegie and Ogilvie, the Maister of Spynie, Patrik Maule of Panmure, the Constable of Dundie, Sir Andro Fletcher of Innerpeffer, the Lairds of Din, Ethie, Balnamoone, Aldbar, Bonnytoun, Fortrie, and Innerquharatie; for the shirefdome of the Mernes, the Erles of Marishell and Southesk, the Lord Carnegie, Sir Thomas Burnet of Leyes, the Lairds of Glenbervie, Arbuthnet, Morphie, Balmayne and Halkerton, elder; for the shirefdome of Aberdene, the Marques of Huntlie, the Erles of Marishell and Kingorne, the Erle of Kingorne for himselfe and as tutor to the Erle of Erroll, the Lords Forbes and Fraser and Laird of Drum; for the shirefdome of Bamff, the Marques of Huntlie, the Erles of Marishell and Finlatter; for Elgine and Forres, the Erle of Murrey, the Laird of Innes, Brodie of that Ilke and Dumbar, shireff of Murrey; for the shirefdome of Innernes, the Marques of Huntlie, the Erle of Seafort, the Lord Lovatt, the Lairds of Grant and McIntoshe; for the shirefdomes of Caithnes and Sutherland, the Erles of Sutherland, Caithnes and Seafort, the Maister of Berridaill and Sir Robert Gordon; for Orkney and Zetland, the Erle of Carict, Sir Johne Buchannan of Scotiscraig and William Stewart of Maynes;

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for the shirefdome of Bute, the Lord Lorne and shireff of Bute; for the Yles, the Lord Lorne; with power to thame conjunctlie and severallie to pas to the severall bounds abonewrittin at suche times and places as they sall thinke fitt, and there to exhibite the said Confession and Generall Band abonespecifeit, marked and subscribed be the Clerk of Counsell, and to require all his Majesteis lieges of quhatsoever ranke and qualitie to subscribe the said Confession of Faith, dated the 2 of Marche, 1580, according to the said date and tenor thairof, and according as it wes than profest wthin this kingdome, togidder with the Generall Band, dated in *anno* 1589, as they will be answerable to his Majestie and the saids Lords upon thair dewtie and obedience, and to make report of thair said diligence betuix and the thritteene day of November nixt."

Holyrood House, 22nd (? 24th) September 1638.

"Ordains the nixt Counsell day to be the 13 of November 1638." Sederunts, February 1635-November 1643. Fol. 62, b.

Sederunt:—Commissioner; Treasurer; Mar; Kingorne; Tullibardin; Kinnoul; Dalyel.

Holyrood House, 24th September 1638.

Sir John Dalmahoy accepts the Sheriffdom of Edinburgh.

"The quhilk day Sir John Dalmahoy of that Ilk, Shireff of Edinburgh, accepted the office of shireffship on him for this yeer and gave his oath."

Holyrood House, 31st October 1638.

Sederunt:—Hamilton, Commissioner; Treasurer; Privy Seal; Mar; Perth; Linlithgow; Tullibardin; Wigton; Hadinton; Annerdaill; Lauderdaill; Kinnoull; Dumfreis; Lord Angus; Lord Elphinston; Lord Dalyell; Lord Amont; Clerk Register; Advocate; Justice; Deputy Treasurer; Justice Clerk; Blakhall. Acta, May 1636-November 1639. Fol. 271, b.

Letter from his Majesty requiring the Council to give their support to the Lord Commissioner in view of the coming General Assembly, and to withstand any attempt in the said Assembly to derogate from his Majesty's prerogative.

"The whilk day James, Marques of Hamilton, his Majesteis Commissioner, produced and exhibite before the Lords of Privie Counsell the missive letter underwrittin, signed be the King's Majestie and directed to the said Lord Commissioner and Lords of his Majesteis Privie Counsell, of the quhilk letter the tenor followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and belovit counsellers, we greit you weill. As by your letter we find how weill yow ar satisfied with our gracious pleasure expressed in our late proclamation and declaration, so we doe expect the continuance of your care be your best endeavoures to bring all our good people to a true sense of our royall intentions and reall care of preserving and advancing the good and peace of that church and kingdome, which hath alwayes beene and still is one of our cheefest cares, we give yow heartie thanks for your affection and panes in this service and doe approve your course in subscryving the Confession and Band and order takin be yow for publishing and requiring the lyke dew and thankfull acceptance of our Fol. 272, a. gracious pleasure be all our good subjects. And, seing the time of the Assemblie does now approache, we require yow to attend diligentlie upon our Commissioner untill the time appointed for the doun sitting of the said Assemblie, and further to the finall ending thairof, that frome time to time yow may be assisting to him with your best opinions and advices for preparing and digesting everie thing that may conduce to bring the bussines to be treatted upon in the Assemblie to the wished peaceable happie end. And altho we will not doubt but that all our good subjects will be carefull of everie thing that may concerne us or our soverane auctoritie, yitt, becaus at suche publict and generall meetings it is not to be expected that all mens dispositions will be alike and of one temper, we require yow, and that in a particular maner, according to the trust and confidence we have in your affections to our service, carefullie to advert that if anie proposition sall be made whiche

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may seeme to derogat frome soveranitie or that true estat of monarchicall governement alreadie established within that kingdome or whiche may imped the peaceable conclusion of this Assemblie, that, as good subjects and faithfull counsellers and servants to us, yow assist our Commissioner to withstand the same to the uttermost of your power, to whome we will yow to give absolute trust in everie thing which he in our name sall deliver or impart to yow or anie of yow in publict or in privat; and so we bid yow farewell. From our honnour of Hampton Court, the first of October, 1638. Quhilk letter being openned in the saids Lords thair presence, and openlie read in thair audience and at lenth considderit be thame, they with most humble and dewtifull respect acknowledged his Majesteis most gracious favour showin unto thame of approving of thair weake endeavours in his Majesteis service, and they all promised to attend his Majesteis Commissioner at and during the haill time of the approaching Assemblie and to concurre and joyne with him by thair best advice and counsell in all his Majesteis service quhilk sall occurre at that meeting; and they ordained missives to be directed to the rest of his Majesteis Counsell who wer absent at this time, intimating to thame his Majesteis gracious pleasure and requiring thame to come

Fol. 272, b.

and attend the said Commissioner with the rest of his Majesteis Counsell the time foresaid; and they ordained a most humble letter of thankes to be sent up to his Majestie as ane answer to his Majesteis letter, quhilk wes accordinglie done of the tenor following:—Most sacred soverane, Since your Majestie hes beene pleased be your letter frome Hampton Court, the first of October, in so gracious a way to take notice of our weake endeavoures in your Majesteis service, we conceave our selves bound in all submisse and heartie acknowledgement of this and manie moe your royall acts of grace and goodnes manifested to us and to this your Majesteis ancient kingdome, not onelie to returne your Majestie all humble and heartie thankes for the same, but, in testimonie of our readie obedience to all your Majesteis commandements, doe faithfullie promise to attend and be assisting your Majesteis Commissioner frome time to time till the finall ending of this ensewing Assemblie. And if anie sall be so unhappie or unadvised as to move or make anie propoposition whiche may seeme to derogat frome soveranitie or the true estat of your Majesteis monarchicall governement alreadie established within this kingdome, as faithfull counsellers, loyall subjects and humble servants to your Majestie we will withstand the same to the uttermost of our power; and sall be carefull to foresee and prepare everie thing whiche may best conduce to the wished and peaceable end of this Assemblie. And so praying God to blesse your Majestie with a long and happie raigne we rest. Halyrudhous, 1° Novembris, 1638. *Sic subscribitur*, Traquair, Roxburgh, Mar, Lithgow, Perth, Wigton, Tullibardin, Annerdaill, Lauderdaill, Kinnoull, Dumfreis, Angus, Elphinston, Dalyell, Amont, J. Hay, S. Thomas Hop, S. W. Elphinston, Ja. Carmichael, J. Hamilton, Blakhall."

Letter from the Council expressing its hearty desire to give effect to his Majesty's commands.

Letter to be sent to the magistrates of Glasgow desiring them to provide accommodation for Privy Councillors attending the General Assembly to be held in the said burgh.

"The Lords ordains a letter to be writtin to the provest and bailleis of Glasgow, desyring thame to provide houses, weill prepared and furnished, for accommodating of his Majesteis Counsell and thair attenders, according to a particular note quhilk they sall receave of the number of everie Counsellers traine, under the Clerk of Counsell his hand." Acta, May 1636–November 1639. Fol. 272, b.

Anent the preparations for celebrating the fast in Edinburgh.

"The Lords ordains a letter to be writtin to the provest and bailleis of Edinburgh signifeing unto thame that the dyet appointed be his Majesteis proclamation for keeping of the fast is the seventh of November now approacheing, and to require thame to keep the said dyet and to caus tymous advertisement to be made thairof to the ministers and inhabitants of thair toun; quhilk letter wes accordinglie written and directed to the saids provest and bailleis."

Holyrood House, 1st November 1638.

Sederunt ut die prædicto.

Certain sheriffs continued in their office for the coming year.

"Forsamekle as the Kings Majestie upon diverse considerations importing the good of his service hes thought meit and expedient, concluded and ordained that the shireffs underwrittin, of whome his Majestie hes the nomination and who wer in office the yeere bygane, sall be continued in thair offices for the yeere to come, viz.: Mr George Dundas of Maner, shireff of Lithgow; Androw Riddell of Hayning, shireff of Selkirk; the Laird of Lag, shireff of Dumfreis; the Laird of Fintrie, shireff of Forfar; the Laird of Baltheyock, shireff of Perth; Alexander Hamilton of Hags, shireff of Lanerk; the Laird of Drum, shireff of Aberdene; the Laird of Gastoun, shireff of Air; James Johneston of Coreheid, stewart of Annerdaill; , baillie of Kylestuart; and the Laird of Cathcart, shireff of Renfrew; lykeas his Majestie continues thame in thair saids offices for the yeere to come, ordaining and commanding thame to exerce thair saids offices in all the liberteis and priviledges thairof siclyke and als freelie in all respects as they did or might have done this yeere bygane; and ordains letters to be direct to make publication heirof be opin proclamation at all places neidfull, quherethrow nane pretend ignorance of the same, and to command and charge the shireffs abonewrittin, who served in the said office the yeare bygane, to continew in the exercise and discharge thairof for the yeere to come, as they will be answerable on the contrare at thair highest perrell." Fol. 273, a

Charge to the small barons and freeholders in the sheriffdom of Selkirk to elect commissioners for the coming Parliament.

"Forsamekle as at the dyet appointed be act of parliament to the small barons and freehalders within the severall shirefdomes of this kingdome for thair conveening and choosing of commissioners to attend all parliaments and generall councells during the time of thair office, there fell out suche a violent storme of wind and weit and the waters grew so high within the sherifdome of Selkirk as there wes no possibilitie to the saids small barons and freehalders of that shirefdome to keepe thair meiting at the burgh of Selkirk, so that there could no commissioners be chosin at that dyet, to the hinder and disappointing

Acta, May 1636–November 1639. Fol. 273, a. Fol. 273, b.

of his Majesteis service; thairfoir the Lords of Secreit Counsell ordains and commands the shireff of Selkirk to appoint a new day to the saids small barons and freehalders for thair conveening and choosing of thair commissioners to attend this approacheing parliament, and to warne and charge the saids small barons and freehalders to conveene and meit at the burgh of Selkirk at the time and day to be appointed be the said shireff, and at thair meeting that they make choise of commissioners, authorizing thame with full and ample power and commission to doe and performe all and everie thing incumbent to thame and proper and dew to thair place and charge."

Sederunt, February 1635–November 1643. Fol. 63, a.

"The quhilk day the haill counsellers present gave thair oath for secrecie in all maters that they sall heare propounded or debated in Counsell." Oath of secrecy by the Councillors.

"The Lords ordains the haill counsellers absent with the clerks and maissers to give thair oath in maner foresaid."

"Ordains the maissers of Counsell to subscribe the Confession of Faith and Band quhilk his Majestie hes injoynned to be subscribed, and ordains the Clerk of Counsell to present the same to thame and to take thair subscriptions thereto." Macers of the Council to subscribe the Confession and the General Band.

Acta, May 1636–November 1639. Fol. 273, b.

Sederunt:—Commissioner; Treasurer, Privy Seal; Argile; Mar; Murrey; Hadinton; Annandaill; Southesk; Angus; Elphinston; Naper; Dalyell; Amont; Clerk Register; Treasurer Depute; Justice General; Justice Clerk. Holyrood House, 13th November 1638.

"Forsamekle as it hes pleased his Majestie upon diverse good considerations to committ the charge and keeping of his great seale to his darrest cousine and counseller, the Marques of Hamilton, his Majesteis Commissioner, till his Majestie sall be graciouslie pleased to declare his farther will and pleasure thereanent, and whereas his Majestie hes made choice of his said cousine, the Marques of Hamilton, to be his Majesteis Commissioner for keeping and halding of parliaments and assembleis and doing of sindrie other things at lenth specifeit in his Majesteis commission grantit to him of the date the day of , and seing this commission must necessarlie pas the privie and great seales, and seing the great seale is now in the said Lord Commissioner his owne keeping so as be the order of the chancellarie it cannot be exped at the chancellarie without a warrant, thairfoir the Lords of Secreit Counsell hes found it meit and necessar the commission foresaid pas both at the privie and great seales, and for this effect ordains and commands the Lord Keeper of the Privie Seale and writter thereto and the Director of the Chancellarie to write and exped the commission foresaid in the ordinar forme dew to thair place and charge, and that the said Lord Commissioner caus append the great seale thereunto; and further ordains and commands the said Director of the Chancellarie to write and exped all other patent and writts concerning his charge and office Warrant for sealing the Commission of the Marquis of Hamilton both by the Privy and the Great Seal.

as he did in the time of anie precedent chancellouris or during the time of the vacancie of that office, anent the doing quhairof the extract of this act sall be thair warrant." Acta, May 1636–November 1639. Fol. 273, b.

[Sederunt as recorded above.]

Holyrood House, 13th November 1638.

Complaint by Patrick Maule of Panmure against Robert Montgomery in Halton for injuring the property of the complainer.

Complaint by Patrick Maul of Panmure, one of his Majesty's Bedchamber, as follows:—All and whole the town and lands of Haltoun and half of Balmanno pertain to him in heritage, and Robert Mongomerie in Haltoun was recently removed therefrom in an orderly way, making a willing and legal renunciation thereof in favour of the complainer. Yet upon last he came to the said lands of Haltoun, "kuist doun and razed to the ground the hous formerlie possest be himselfe, entered and possest an other hous belonging to ane other tennent and keeps the same as yitt be opin bangstrie and oppression." Charge having been given to the said Robert Mongomerie, and the pursuer compearing by Keith, servitor to Mr John Rollock, but the defender not compearing, the Lords, after hearing certain witnesses produced by the pursuer, find the complaint sufficiently verified, and for the insolence thus committed by the said Robert Mongomerie they ordain him to be charged to enter in ward within the tolbooth of Edinburgh and there remain until order be taken with him, and that within ten days after the charge; failing which he is to be put to the horn and escheated. Decreta, April 1635–February 1639. P. 480. P. 481.

Holyrood House, 14th November 1638.

Sederunt:—Treasurer; Privy Seal; Mar; Winton; Hadinton; Annandaill; Southesk; Elphinston; Naper; Dalyell; Advocate. Acta, May 1636–November 1639. Fol. 273, b.

Declaration by the Marquis of Hamilton that he had received the great seal from the Archbishop of St. Andrews, late Lord Chancellor.

"The whilk day James, Marques of Hamilton, his Majesteis Commissioner, declared to the Lords of Privie Counsell that according to ane warrant and direction sent unto him under his Majesteis royall hand that he had receaved the resignation and dimission made be Johne, Archbishop of St. Andrewes, late Lord High Chanceller of this kingdome, and others in his name, of the office of Lord Chanceller, and that the said Archbishop had delivered unto him his Majesteis great seale and cashett to be keeped be him during his Majesteis royall will and pleasure and whill his Majestie sall be pleased to give farther signification of his Majesteis pleasure, and that in the meane time, till his Majesteis pleasure be returned, that his Majestie allowed and willed the said Lord Commissioner to append his Majesteis great seale to all infeftments, patents and others letters and writts whereunto the said great seale is requisite and necessar, wherethrow his Majesteis subjects susteane no harme nor skaith be the want of the said seale and cashett." Fol. 274, a.

All persons forbidden to go to Glasgow during the meeting of the General

"Forsamekle as it hes pleased the King's Majestie, upon diverse great considerations importing the glorie of God, the peace of the Kirk and the commoun weale of this realme, to appoint a Nationall Assemblie to be haldin and keeped at the citie of Glasgow in this instant moneth of

Acts, May 1638-November 1639.

Fol. 274, a.

November, at the quhilk meeting numbers of his Majesteis subjects of all rankes and qualiteis ar to be present, amongs whom there being great diversitie of humors, it is to be feared that some restlesse persons out of thair ydle humors and needlesse curiositie sall doe what in thame lyes to disturbe the peaceable and modest proceedings at that meeting and so disappoint the good successe whilk his Majestie expects therefra. And whereas his Majestie doubts not but that all good subjects, out of thair dewtifull respect to his Majesties obedience, will have a speciall care of the precise keeping of his Majestie's peace during this meeting, yitt, becaus suche meetings where there is suche diversitie of humors wants not persons seditiouslie disposed to stirre up trouble and unquyetnes, for preventing whairof, ordains letters to be direct to command, charge and inhibite all and sundrie persons who hes not place nor voice at this Assemblie or sall not make the necessitie of thair comming and abode there knowne to the Lord Commissioner, that they nor nane of thame presoome nor take upon hand to resort nor repaire to the said citie of Glasgow during the time of the said Assemblie, and that others who necessarlie must be there, that they come in a peaceable and quyet maner, accompanied onelie with thair houshold servants without unlawfull weapons; and that in thair comming to the said citie, remaining therein and departing therefra, they behave thameselves peaceablie as becometh good subjects, and observe his Majesties peace, keepe good rule and quyetnes, and that they make no provocation to others in word nor deed under quhatsomever cullour or pretext; certifeing thame that sall doe in the contrare that they sall be repute and haldin as seditious persons, raisers and movers of trouble, and sall be persewed and punished for the same accordinglie.

Assembly who are not legally called to be present, and such persons as are officially present to be without weapons and to keep the peace.

Fol. 274, b.

"Forsamekle as the Lords of Secreit Counsell ar informed that there ar sindrie parts on the borders of England, but speciallie the touns of Morpet and Newcastell, infected with the contagious sickenesse of the pest, and whereas the commerce betuix the subjects of this kingdome and those who dwellis there may prove dangerous for increasse of that sickenesse heir if some course be not tane for preventing thairof, thairfoir the Lord Commissioner and Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie persons dwelling within the bounds of Roxburgh, Beruick and Selkirk, that they nor nane of thame presoome nor take upon hand to repaire to Morpett or Newcastell or anie other part upon the borders of England upon whatsomever cullour or pretext without a licence under the hand, at the least, of one of the justices of peace of the bounds where they dwell, nor have anie commerce or trade with anie dwelling in these bounds, without the licence foresaid, under the pane of dead; with certification to thame if they faillie the said pane sall be execute upon thame without favour."

Directions anent the plague which has appeared at Newcastle and Morpeth.

Holyrood House, 14th November 1638.

[Sederunt as recorded above with the addition of the Commissioner.] Decreta, April 1635–February 1639

Supplication by Thomas M'Kie, who is under sentence of banishment, that he may be allowed to remain in the country for a time to settle his affairs.

Supplication by Thomas McKie, late Sheriff Clerk of Wigtoun, as follows:—Their Lordships "are not ignorant of the sentence pronunced and execute against him for the fact quhilk unhappilie fell out in his hand, whilk hes occasioned much miserie to him and his poore familie; for his debtors, taking occasion of the sentence of banishment against him, have suspendit all his debts upon prætext they will referre the matter to his oath, whilk they knaw he cannot give. Lykeas his haill estate is impignorat for payment of his awne debt with ane irritant claus, and his writts and evidents are all in the keeping of the Sherriffe of Galloway, all quhilks disabled him to do anie thing for himselfe till laitlie he obteaned a remission and pardone and rehabilitation to his former estate and condition, with libertie to remaine in the countrey and to persew and defend in all causes and to exerce whatsomever offices he did formerlie." But he is informed "that some of his illwillers have procured a commission from the said Lords to apprehend him and committ him to ward," whereby he will be wrecked and undone, and disabled from settling his affairs. He craves that this commission may P. 481. P. 482. be discharged for a time. The Lords allow the supplicant to remain in the country for settling his affairs until Pasch next and dispense with the commission during that space, the supplicant first finding caution to obey the act of banishment after the feast of Pasch next, and to behave himself dutifully and peaceably with all his Majesty's subjects in the meantime under a penalty of £500.

Protestation by John Fraser, brother to the Laird of Philorth, on his accuser failing to appear.

This day there compeared before the Lords of Privy Council John Fraser, brother to the Laird of Philorth, and produced a summons for his compearance at the instance of James Smith, occupier of "ane plewche of Rochnache," who charges him with illegally apprehending and imprisoning him in the tolbooth of Fraserburgh, and because the said James Smith did not compear, he protested that he should not be further required to answer herein without a new citation and payment of his expenses. The Lords admit the protestation.

Complaint by Colonel Robert Monro against Captain George Curror, laird of Fenzies, for failing to raise men for service in Sweden for which the said Captain had received a commission.

Complaint by Colonel Robert Monro, as follows:—By virtue of his P. 483. commission and patent for levying a regiment in this kingdom for the service of the Crown of Sweden, as authorised by his Majesty and the Council, he granted on a commission to Captain George Curror, Laird of Finzeas, for raising a company thereof with the appointing of the inferior officers. In terms thereof he appointed John Drumond in Edinburgh his Ensign and gave him his patent. The complainer thereupon left Captain Curror at Edinburgh and went north, and Captain Curror should have brought his men to the port of Cromertie to be received there with their officers by the said Colonel and transported thence to Trailsund in Germanie. The said Captain from the date of his patent until July last by his letters continued to assure the said Colonel of his daily diligence, and "be word and writ willed him

Decreta, April 1635-February 1639. P. 483.

not to quite the said captane nor his obleigment at all for anie respect, for he knew some did not favour his well far les his credite, and wer about to importune the said Collonel for his pas, and thairfoir willed him to continew constant in denying thair demand. Quhilk he did; quhairby he caused the Collonel fraught a ship of a greater quantitie nor he needed, and provide the same with sufficient victualls for transporting and manteaning him and his companie," to the complainer's great loss and expenses. For the said captain, when he perceived the ship ready to sail from Leith to Cromartie and thence to Trailsound, pretended his inabilty to go and thus intends to defraud the Crown of Sweden of his personal services and the complainer of the company of men and officers he was to raise, to the discredit of a gentleman of his quality and reputation and the disgrace of the nation. Charge having been given to the said Captain Curror and the pursuer compearing personally but not the defender, the Lords ordain the latter to be put to the horn and escheated.

P. 484.

Complaint by Mr. Robert Blackwood, minister at Kirkbride, against Mungo Park in Kirkbride for assault.

Complaint at the instance of Mr Robert Blakwod, minister at Kirkbrid, as follows:—The striking and wounding of ministers is strictly prohibited by an Act of his Majesty's late parliament, yet "Mungo Park in Hoill of Kirkbride, haveing hirded twelff hors and others goods upon the compleaners meidow and therafter driven thame throw his growing corns and pittifullie abuised the same; and not content heirwith, aganis his dewtie to his pastor, came upon the twentie ane of July last to the kirkyaird of Kirkbryd, wher the compleaner wes at his meditations, being Saturday and the morne therafter ane solemne fast, and, without anie offence done be the compleaner to him, verie disgracefullie he strak him over the heid with a great tree and thane fled." The pursuer compearing but not the defender, the Lords ordain the latter to be put to the horn and escheated.

P. 485.

Complaint by George Stewart, messenger, against Robert Nisbet, indweller in Duns, for assault while the complainer was discharging his office.

Complaint by George Stewart, messenger, as follows:—Robert Nisbit, indweller in Dunce, has conceived a mortal hatred against him, and, observing him in the town of Dunce busied in the ingathering of his Majesty's taxation, first entered into a friendly talk with him, but thereafter went to his house, "girded his sword be his syde and came furth therwith and with ane great batton in his hand, and, er ever the compleaner wes aware, fotched a great strake wherwith he thought to have feld the compleaner upon the heid"; and he would have so done, "yf the said George in his awne defence had not closed with him and gripped his gardies. Wherat the said Robert, grudgeing thus to be disappointed of his intention, he dispitfullie strake the compleaner upon the hinder part of the heid, rave his cloaths, face and gorggett and rugged him above him to the ground, wherwith the fall hes woundit the compleaners hand and elbow to the effusion of his blood. And in the verie instant of the lifting of his batton he cried, 'I sall be about with yow now; ye ar not in Edinburgh.'" The pursuer compearing but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Complaint by Mr. Archibald Cameron, minister at Inchcailloch, against the Lairds of Buchanan, elder and younger, for debarring him from the use of the chapel of Buchanan which has been legally granted to the complainer for purposes of worship.

Complaint by Mr Archibald Cameron, minister at Inchcalloch, as follows:—"The kirk of Inchcalleoch, being ruinous without a roofe and the syde walls all broken doun, so as thir manie yeirs ther was no preiching therin, and this matter being tane to hart be the Synodall Assemblie of Glasgow upon the sevent of Februar, 1617, it wes concluded that the compleaner sould exercise his ministrie to his parishoners by ministration of the sacraments and other ministeriall dewties in the chappell of Buchanan till the Kirk of Inchcalleoch wer repaired, and this ordinance wes ratified at the Synodall Assemblie at Glasgow, 1629, with consent of George Buchanan, fear of that ilke; and last, be ane act of Counsall 1630, the same ordinance was ratified with consent of the said George, as the saids acts bears. Conforme quhairunto, the compleaner has used his ministeriall function therunto these manie yeirs bygane till now latlie that Walter Buchanan of Drummakill, George Buchanan in Achinmar, Patrike Buchanan, his sone, Alexander Buchanan of Blairvokkie, George Buchanan in Garkincaber, Alexander Buchanan in Gleanie, and Duncan Moir McFarlane of Brachearne, of the speciall causing and direction of the said Lard of Buchanan, younger, have colluded togither to debare the compleaner from using his ministrie at the said chappell. And for this effect, upon the thrid day of Junij last, being Sunday, when the kirk officer wes comeing to ferrie the compleaner over to the chappell, and left the key in the dore, Johne Dow Finlason Buchanan, domestik servant to Drummakill, at the direction of the persons forsaids, tooke the key out of the dore after he had locked the same, so as the compleaner could have no entrie to preach nather that day nor the Sunday therafter. And, wheras upon the thrid Sunday, being the 17 of Junij, he came to the said chappell and required entrie to preache and produced the acts of Synod and Counsall forsaids for his warrants and stayed till twelff hours, yitt he could have no entrie to preache, as instruments tane heirupon bears. Quhilk being remonstrat be the compleaner to the presbyterie of Dumbartane, they directed Mr Luk Stirline, minister at Killmarronoke, to go the first of July nixt to the said chappell and ther to preache and to require the doores to be made patent to the compleaner, quhilk he did bott could have no entrie; quhairof report being made to the presbyterie the[y] directed Mr Robert Mure, minister at Drimmen, to go to the said chappell the second tyme upon Sunday nixt to the effect forsaid, quhilk he also did, bot could find no entrie, as instruments tane heirupon also bears. Wherthrow ther hes beene no divine service ministred to the compleaners parishonaris the sax weiks bygane, to thair heavie greife and prejudice. And it is not unknowne to the Lords of Privie Counsell what heavie trouble and charges the compleaner hes susteaned these manie yeiris bygane in payment of his stipend dew to him from the Lairds of Buchanan, elder and younger, and the matter being submitted, the said young Laird wes decerned to pay to the compleaner the sowme of twa hundreth punds for his expenses and charges, bot hes never gottin anie thing thairof nor

Decreta, April 1635–February 1639. P. 485. P. 486.

Decreta, April 1635–February 1639. P. 486. of his stipend these twa yeirs, howbeit he hes used letters of treason and all other execution aganis thame for the same, by quhilk meanes the compleaner is driven to extreme miserie and necessitie and his parochiners defrauded of the comfort of his ministrie, to thair great greife, offence of God, and contempt of anctoritie." Charge having been given to the parties above complained upon, and the pursuer compearing personally, but George Buchanan, apparent of that Ilk, in name of the remanent defenders, being called and not compearing, the Lords, having seen and perused the said acts and instruments, which were produced to them, find that the pursuer has been debarred from the exercise of his ministry at the chapel of Buchanan as aforesaid, and has also been driven to great expense in consequence thereof in following out this matter, while his parishioners have also been defrauded of the benefit of the kirk to the great grief of both, and therefore they ordain the said George Buchanan to make the doors of the said chapel "patent and readie at all occasions to the said persewer for the exercise of his function and ministrie," and letters to be directed to him for this effect under the penalty of 3000 merks, with certification that, if he shall make any further hindrance to the complainer in this matter, he shall be decerned to have incurred this penalty. And, seeing he has disobeyed their Lordships' charges to pay the £200 of former expenses, they now add thereto another £100, and ordain letters to be directed to him for payment hereof within six days, under the penalty of the same being doubled; with certification that if he fail he shall be decerned to have iucurred the said penalty of £600 and measures taken accordingly.

P. 487.

P. 488 *Sederunt*:—Treasurer; Privy Seal; Hadinton; Annandaill; Southeske; Daliell; Justice Clerk.

Holyrood House, 15th November 1638.

Complaint by Mr. William Cunningham of Brumehill against George Buchanan, apparent of that Ilk, for convocation of the lieges and injury to the complainer's lands and tenants.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, and Mr William Cunninghame of Brumehill, party grieved, as follows:—Open and manifest oppression, the carrying of hagbuts and pistols, and convocation of the lieges have been often prohibited by the laws. Now the said complainer, Mr William Cunningham, is heritably infeft in the lands of Cremmar with pertinents in the sheriffdom of Stirling, and holds immediately of his Majesty upon a comprising led in 1633 at the complainer's instance against Sir John Buchanan of that Ilk, having, for his further security therein, obtained the gift of the liferent of the said Sir John, so far as concerned these lands. He has also obtained declarator against the said Sir John, and when the tenants of these lands raised a suspension upon quadruple poinding against the complainer and the said Sir John and George Buchanan, fiar of that Ilk, the complainer was declared by decreet of the Lords to have best right to the rents and duties of the said lands for the years 1635, 1636 and 1637. Accordingly, in September last he went with a messenger of arms to poind their goods, and, having "poynded and apprised all thair

hors, nolt and sheep" to the value contained in the letters, was conveying the same to the market cross of Stirline, but as he was crossing the march of the said lands the tenants, unwilling to have their goods driven off, voluntarily promised to pay their duties to him before "Hallowmes" next thereafter, and, if they failed, he was to poind them thereafter. But the said George Buchanan, hearing that the complainer was pressing to poind the said tenants, sent "this bodword unto thame the last Wednsday of September last bygane that the compleaner durst not poynd his tennents for his hanging. And, not content heirwith, he, be way of opin and manifest oppression, and with convocation of his Majesty's lieges to the number of ane hundreth persons or therby, among whom these following wer the principalls, viz.:—Walter Buchanan of Drumakill, Johne Buchanan of Rosse, Thomas Buchanan of Garbeth, Johne Buchanan, fear of Garbeth, Thomas Buchanan of Boquhen, Edward Buchanan of Spittill, Johne McLauchlan of Achincroig, Johne Buchanan of Caslin, Johne Buchanan of Drumfad, William Buchanan, brother german to Johne Buchanan of Ross, Alaster Buchanan, callit Glenie, etc., all boddin in fear of wear with bowes, darloches, hacqbuts and pistollets, came to the compleaners saids lands, and on his pretendit maner held ane court upon the saids lands in his awne name or some borrowed name, fenced his court and creat the members and officers thairof, to the great contempt and mokage of justice; caused call a number of the said compleaners tennents to have decreits and sentences aganis thame for payment of the said compleaners maills and dewties to him, and threatned his tennents yf they brought not his maills and dewties to him and made him payment thairof, so that a number of the compleaners tennents for feare of thair lives wer compelled to deliver thare bestiall and goods to him, and such as refuised he boasted and threatned them with all rigor and extremitie. Lykeas he violentlie tooke frome the compleaners saids tennents a great number of hors and nolt which wer of the number of the goods which the compleaner apprised befor, and forder threatned the compleaners tennents with all rigor yf they sould bring anie of thair corns to his milne, to which they have beene ever thirled past all memorie of man, and the said George, at his going aff the saids lands, left Walter McLachlan of Auchincraig as baillie for him to the saids lands with a strait command to hinder the said compleaner fra all uplifting of the saids maills and dewties of the saids lands in poynding of the tennents thairof for the same. And sicklyk the said George and his said baillie, be way of manifest oppression, hinders all persons with whom the compleaner is dealing to tak such part of the saids lands as is wast, whairthrow the compleaners saids lands will remaine still wast and unlaboured, to his verie great hurt and prejudice; and, as the compleaner is informed, he hes sett his said wast lands to his said baillie, who intends either to intrude himself therin or to sett the same to some broken men; wherthrow as the said George and his complices forsaids have violat his Majesties lawis and acts of parlia-

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ment made aganis the bearing and wearing of such unlawfull weapons, so he hes most presumptuouslie contemned his Majestie by usurping upon him the place of a judge wher he had na lawfull power nor commission. By the quhilks and for thair malapart presumption to breake the peace of the countrey, quhilk the compleaner hes ever studied to preserve and keepe unviolat on his part, and hes patientlie comported with the wrongs done to him upon hope of redresse by course of law, the saids persons ought to be exemplarlie punished in thair persons and goods to the terror of others." Charge having been given to the persons above complained upon, and the pursuers compearing, but not the defenders, the Lords, after hearing pursuers and their witnesses, find that the said George Buchanan, apparent of that Ilk, convocated his Majesty's lieges with unlawful and forbidden weapons, and so ordain him to enter into ward within the tolbooth of Edinburgh within six days, and there remain until order be taken with him, upon the pain of rebellion. And they further ordain him to desist from molesting the said Mr William Cunninghame, and his men, tenants and servants in his possession of the said lands otherwise than by order of law, under the penalty of £1000, certifying him that, if he fail herein, he shall be decerned to have incurred the said penalty.

Acta, May 1636–November 1639. Fol. 274, b.

Sederunt:—Commissioner; Treasurer; Privy Seal; Argile; Lin- Glasgow, 20th November 1638.
lithgow; Perth; Wigtoun; Tullibardin; Hadinton; Annandaill; Lauderdaill; Kinnoull; Dumfreis; Southesk; Angus; Naper; Dalyell; Amont; Clerk Register; Treasurer Depute; Justice General; Justice Clerk; Blakhall.

Sanction of request by James Primrose, clerk of Council, that his son, Archibald Primrose, may act as his depute during his present illness.

The whilk day the Lord Commissioner and Lords of Secreit Counsell having read, heard and considderit the letter of deputation underwritten made be James Primerose, Clerk to his Majesteis Privie Counsell, in favors of Archibald Primerose, his sone, making and constituting the said Archibald (for the reason therein conteanit) his deput to supplee his place of Clerk of Counsell during the time of this Assemblie, and farther during the said James his lyftyme, as the said letter of deputation of the date at Edinburgh, the xv day of November instant, more fullie proports; and the saids Lords, considering the long and faithfull service done be the said James in that office, and finding his desire conteanit in the said deputation to be just and reasonable, they have thairfoir allowed the same and interpons thair auctoritie thereunto.

Fol. 275, a.

Lykeas the said Archibald Primerose, being personallie present, wes accordingly receaved and gave his oath of secrecie and fidelitie, of the quhilk letter of deputation the tennor followes:—Be it kend till all men be thir present letters M[r] James Prymrois, Clerk of his Majesteis Privie Counsell, forsamekle as it hes pleased God to visite me with some infirmitie and sickenesse sua that I cannot attend his Majesteis service at this Nationall Assemblie appointed to be haldin at Glasgow in this

instant moneth of November, and I, being loath that his Majesteis service sould be neglected be my absence, and knowing the sufficiencie of Archibald Primerose, my sone, to supplee my absence at this time, thairfoir I have made and constitute, and be the tennor heirof, makes and constituts the said Archibald my deput to supplee my place and absence during the time of the said Assemblie, and farther during my lyftyme allanerlie, with power to him to use and exerce my place and service during the time foresaid and farther during my awne lyftyme allanerlie, and to doe and performe all and everie thing concerning my service quhilk I might doe my selfe if I wer personallie present, humbelie requesting the Lords of Privie Counsell in consideration of my long attendance upon that service, now be the space of three score yeeres, to receave and admitt the said Archibald as deput to me to use and exerce the said office in my absence and during the space abovewrittin allanerlie and no farther. In witnes quhairof I have subscribed thir presents with my hand at Edinburgh, the fyftene day of November, j^m^vj^c threttie eight yeeres, before thir witnesses: Mr James Prymerois, my sone, and Mr Johne Callendar, my servant. *Sic subscribitur*, J. Prymrois, J. Prymerose, witnes, Mr J. Callendar, witnes.

Acta, May 1636–November 1639. Fol. 275, a.

Letter from his Majesty requiring the Council to support the Commissioner in maintaining his Majesty's authority in the General Assembly at Glasgow.

The whilk day James, Marques of Hamilton, his Majesteis Commissioner, produced and exhibited before the Lords of Privie Counsell the missive letter underwritten signed be the King's Majestie and directed to him and the saids Lords. Quhilk being read and considderit be thame, they ordained the same to be insert and registrat in the bookes of Privie Counsell, therein to remaine *ad futuram rei memoriam*, quhairof the tennor followes:—CHARLES R.—Right trustie and welbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit you weill. We ar weill pleased by your letter to us to see how willing yow ar to concurre with our Commissioner and to assist him according to the letter we had written unto yow, for whiche we give yow heartie thankes; and, though we cannot foresee everie particular accident that may fall out, yett we ar confident both of your affection and endeavours for the furthering of our service as the occasion sall require, and cheefelie for mainteaning of our royall auctoritie by which yow all subsist. And as we have entrusted our Commissioner with that whiche doeth concerne our service, we require you (as we doubt not yow will) to contribute your best endeavoures for advancing thairof, whairof we will take particular notice, and doe bid yow farewell. Frome our Court at Whitehall, the 8th of November, 1638.

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Nobles and others commissioned to obtain subscriptions to the Confession of Faith to give in the said subscriptions to the Council.

The Lord Commissioner and Lords of Secreit Counsell ordains all suche noblemen and others to whome commission wes grantit for procuring subscriptions to the Confession of Faith to give in the same to the Clerk of Counsell, whome the saids Lords ordains to make a note of the recept of the same.

Acta, May 1636–November 1639.

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Sederunt:—Commissioner; Treasurer; Privy Seal; Mar; Murray; Lithgow; Perth; Wigtoune; Kingorne; Tullibardin; Hadinton; Galloway; Annandail; Lauderdail; Kinnoul; Dumfreis; Southesk; Angus; Elphinstoun; Naper; Dalyel; Clerk Register; Justice; Treasurer Depute; Justice Clerk; Blackhal. Glasgow, 28th November 1638.

Letter to his Majesty expressing approval of the manner in which the Commissioner has discharged his duty during the meeting of General Assembly at Glasgow.

The quhilk day the Lords of Secret Counsell thought fit and expedient that a missive sould be written and sent from thame to his Majestie of the tenor following, quhilk wes accordinglie done:—Most Sacred Soverane, In obedience to your Majesties royall commande, wee have attendit your Majesties Commissioner heir at Glasgow, since the 17th of this instant, and, according to our bund dewtie in so exigent occasion, have not beene wanting with our humble and best advyces. And altho we doe remit the particular relation of what is past to his Grace selfe as best knawin to him, yit we can not for truthes sake be so silent as not to acknowledge to your Majestie that never servant did with more

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industrie, care, judgement and patience, go about the discharge of so great a trust. And albeit the successe hes not answered his desyres, nather yit his extraordinarie paines (and as we confidentlie affirme) most dexterious and advysit courses taken to compas the just commande of so gracious a King, yit his deserveings heirin merite to be remembred to posteritie. And since your Majestie hes beene pleased to renew to us your former acts of grace exprest in your proclamation and declaration anent the maintenance of the trew religion and us in the defence and profession thairof, wee doe in all humilitie and hartie acknawledgment of so great goodnes returne to your Majestie the offer of our lyves and fortunes in defence of your sacred person and maintenance of your royal auctoritie, and sall in all our actions approve our selves your Majesties most loyal subjects and humble servants. Glasgow, 28 November, 1638. *Subscribitur*, Traquaire, Roxburgh, Mar, Murray, Lithgow, Perth, Wigtoun, Kingorne, Tullibardin, Hadinton, Gallouay, Anandail, Lauderdail, Kinnoul, Dumfries, Southesk, Angus, Elphinstoun, Naper, Dalyel, J. Hay, W. Elphinstoun, Ja. Carmichal, J. Hamilton, Blackhal.

Proclamation dissolving the General Assembly now sitting in Glasgow.

Charles, be the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, to our lovite, etc., heraulde pursevante, our shireffe in that part, conjunctlie and severallie, speciallie constitutte, greiting. Forsameikle as out of the royall and fatherlie care quhilk wee have had of the good and peace of this our ancient and native kingdome, haveing taken to our serious consideration all suche things as might have given contentment to our good and loyal subjects, and to this end had discharged by open proclamation the Service Booke, Booke of Canons and Hie Commission, fred and liberat all men from the practise of the fyve articles, made all our subjects both ecclesiasticall and civil lyable to the censure of Parliament, General Assemblie or anie other judicatorie competent, according to the nature and qualitie of the offence

and for the frie entrie of the ministers, that no other oath be administrat unto thame then that whiche is conteaned in the Act of Parliament; had declared all bygone dissorders absolutelie forgotten and forgiven, and for the more full and cleare extirpating all ground and occasion of feares of innovation of religion, wee had commandit the Confession of Faith and Band for maintenance thairof and of auctoritie in defence of the same subcrivit by our deare father and his houshold *in anno* 1580, to be renewed and subscrivit againe be our subjects heir; lykeas for setling of a perfyte peace in the church and commonwealth of this kingdome, wee caused indict a free Generall Assemblie to be haldin at Glasgow, the 21st of this instant, and thairafter ane Parliament in 1639; by whiche clement dealing, wee looked assuredlie to have reduced our subjects to thair former quiet behaviour and dutifull cariage quhairto they are bund by the Word of God and lawis, both nationall and municipall, to us thair native and soverane prince. And albeit the wished effects did not follow, but, on the contrare, by our so gracious procedor they were rather emboldned not onlie to continow in thair stubborne and unlawfull wayes, bot daylie add to thair former procedors acts of neglect and contempt of auctoritie, as evidentlie appeired by open opposeing of our just and religious pleasure and command exprest in our last proclamation anent the discharge of the Service Booke, Booke of Canons, Heich Commission, etc., protesting against the same and stryveing by manie indirect meanes to withdraw the harts of our good people, not onelie from a hartie acknawledgment of our gracious dealling with thame, bot also frome the dew obedience to those our just and religious commandes, notwithstanding wee had beene formerlie so oft petitioned be thameselves for the same, by thair daylie and hourelie guardeing and watcheing about our castle of Edenburgh, suffering nothing to be imported thairin bot at thair discretion, and openlie stoppeing and impeding anie importation of ammunition or other necessars quhatsomever to anie other of our housses within that kingdome; denying to us, thair soverane lord, that libertie and freedome whiche the meanest of thame assume to thameselves (ane act without precedent or example in this Christian world); by makeing of convocations and counsell tables of nobilitie, gentrie, burowis and ministers within the citie of Edinburgh, quhair not regarding the laws of the kingdome, they without warrand of auctoritie conveene, assemble and treat upon maters alsweele ecclesiasticall as civill, send thair injunctions and directions throughout the countrey to thair subordinat tables and other under ministers appoynted be thame for that effect, and, under cullor and pretext of religion, exerceing ane unwarranted and unboundit libertie, requyre obedience to thair illegall and unlawfull procedors and directions, to the great and seene prejudice of auctoritie and lawfull monarchichall governement. And notwithstanding it wes evidentlie manifest by the unformall and illegall course taken in the election of thair commissioners for the Assemblie, quhairof some are under the censure of this churche, some under the censure of the churche

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of Ireland, and some long since banished for open and avowed teacheing against monarchie, others of thame suspendit, and some admitted to the ministrie contrare to the forme prescryved be the lawis of this kingdome, others of thame a long tyme since denunced rebells and putt to the horne, who be all law and inviolable custome and practique of this kingdome, ar and ever have beene incapable either to persew or defend before anie judicatorie, farre lesse to be judges thameselves; some of thame confyned and all of thame bund by oath and subscription to the overthrow of episcopal government, and by this and other thair underhand workeing, privat informations and persuasions, have given just ground of suspicion of thair partialitie heirin, and so made thameselves unfit judges of what concerneth episcopacie. And als it wes sufficientlie cleared by the peremptor and illegall procedors of the presbiteries, who, at thair awne hand, by order of law and without dew forme of processe thrust out the moderators lawfullie established, and placed others whome they fund most inclynable to thair turbulent humours, associat to thameselves for the chooseing of the saids commissioners for the Assemblie, ane laik elder out of each parish, who, being in most places equal if not moe in nomber then the ministrie, made choise both of the ministers who sould be commissioners frome the presbyterie, as also of ane ruleing elder, being directed thairin more be the warrands frome the forsaid pretend tables then be thair awne judgments, as appeired be the severall privat instructions sent frome thame, farre contrare to the lawis of the countrey, and lowable custome of the churche; by whiche it is to manifest that no calme nor peaceable procedor or course could have beene expected frome this Assemblie for setling of the present dissorders and distractions. Yit wee were pleased heirin in some sort to blindfold our awne judgments and overlooke the saids dissorders and distractions and patientlie to attend the meiting of the said Assemblie, still hopeing that, when they were mett togidder, by our Commissioner his presence and assistance of suche other weele disposed who were to be thair, and by

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thair awne sieing the real performance of all that wes promised by our last proclamatioun they soulde have beene induced to returne to thair dew obedience of subjects. Bot, perceaveing that thair seditious disposition still encreaseth by thair repaireing to the said Assemblie with great bands and troups of men, all boddin in feare of warre, with gunns and pistolets contrare to the lawis of this kingdome, custome observed in all assemblies and in heich contempt of our last proclamation at Edinburgh the 16th of this instant; as also by thair peremptorie refuiseing of our assessors authorised be us (altho' fewer in nomber then our dearest father was in use to have at diverse Assemblies) the power of voting in this Assemblie, as formerlie they have done in other Assemblies, and by thair partiall, unjust and unchristian refuiseing and not suffering to be red the reasons and arguments given in be the bishops and thair adherents to our Commissioner, why the Assemblie ought not to proceed to the election of ane moderator without thame,

nather yit to the admitting of anie of the commissioners of the saids commissioners from presbiteries before they were hard object aganis the same, tho earnestlie requyred be our Commissioner in our name; and notwithstanding that our Commissioner, be warrand frome us, gave in a sufficient declaration of all that wes conteaned in our late proclamation and deliberation, the same bearing lykewayes our pleasure of the registration of the same in the books of Assemblie, for the full assurance of the trew religion to all our good subjects; and yit not resting satisfied thairwith, least the continowance of their meiting togidder might produce other the lyke dangerous acts derogatorie to royal auctoritie, wee have thought good for preveening thairof and for the haill causs and reasons abonementioned and divers others importing the trew monarchicall governement of this estate, to dissolve and breake up the said Assemblie, and thairfore our will is and wee doe discharge and inhibit all and quhatsomever pretendit commissioners and others members of the said pretendit Assemblie of all furder meiting and conveeneing, treatting and concludeing anie thing belongeing to the said pretendit Assemblie, under the paine of treason, declaring all and quhatsomever that they sall happin to doe in anie pretendit meiting thairafter, to be null, of no strenth, force nor effect with all that may follow thairupon; prohibiting and dischargeing all our leiges to give obedience thairto, and declareing thame and everie one of thame free and exempt frome the same, and of all hazard that may ensew for not obeying thairof. And for this effect wee command and charge all the forsaids pretendit commissioners and others members of the said Assemblie to depart furthe of this toune of Glasgow within the space of 24 houres after the publication heirof, and to repaire home to thair awne houses or that they goe about thair awne privat affaires in a quiet maner, with special provision alwayes that the forsaid declaration, given in our Commissioners hand with all thairin conteaned, sall notwithstanding heirof, stand full, firme and sure to all our good subjects in all tyme comeing for the full assurance to thame of the trew religion. And our will is and we command and charge that, incontinent thir our letters seene, yow pas and make publication heirof be opin proclamation at the mercat croce of Glasgow and others places neidfull, quhairthrow nane pretend ignorance of the same. Given under our signet at Edinburgh, the 29th of November, and of our raigne the 14th yeere, 1638. *Sic subscribitur*, Hamilton, Traquaire, Roxburgh, Murray, Linlithgow, Perth, Kingorne, Tullibardin, Hadinton, Gallouay, Annandail, Lauderdail, Kinnoul, Dumfreis, Southesk, Belheaven, Angus, Dalyel, J. Hay, W. Elphinston, Ja. Carmichal, Hamilton."

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Glasgow, 29th November 1638.

"A proclamation to discharge and dissolve the Assemblie under the paine of treason."

Sederunts, February 1635–November 1643. Fol. 63, b.

Acts, May 1636–November 1639.
Fol. 278, a.

Sederunt:—Commissioner; Privy Seal; Linlithgow; Hadinton; Annandail; Lauderdail; Angus; Dalyel; Justice Clerk. Holyrood House, 12th December 1638.

"The quhilk day the Lords of Secret Counsell, according to ane warrand and direction in writ, signed be the Kings Majestie and this day presented unto thame, ressaved and admitted Sir James Hamilton to be one of his Majesties Privie Counsell of this Kingdome, and to bruike and enjoy all honors, titles, dignities, priviledges and prerogatives proper and dew to that place. Lykeas the said Sir James Hamilton, being personallie present, and acknowledgeing with all humble and dewtifull respect his Majesties gratious favor shawin to him in preferring and advanceing him to this heich place of honor and dignitie, he, with all submissive reverence on his knees made and gave the oath of alledgance and of a privie counseller. Followis the tenor of his Majesties missive for warrand of the act abonewritten:—CHARLES R.—Right trustie and weilbeloved cousin and counseller, and right trustie and weilbeloved counsellers, and right trustie and trustie and weilbeloved counsellers, wee greet yow welle. Being informed of the abilities of our trustie and weilbeloved Sir James Hamilton, and of his affection to our service, wherof wee have had alreddie experience, wee are heirby the more willing for his better encouragement and inabling of him thairunto heirafter to promove him to be one of our Privie Counsell of that our kingdome. It is thairfore our pleasure that, haveing administered unto him the oath accustomed in the lyke caises, yow admit him among yow, as one of your nomber, and for so doing these sall be unto yow a sufficient warrand. Wee bid yow fareweele. Frome our court at Quyhthal, the 4th of December, 1638.

Sir James Hamilton admitted into the Council.

Fol. 278, b.

Sederunt:—Commissioner; Treasurer; Privy Seal; Linlithgow; Tullibardin; Annandail; Lauderdail; Dumfreis; Angus; Dalyell; Clerk Register; Treasurer Depute; Justice; Justice Clerk; Sir Ja. Hamilton. Holyrood House, 18th December 1638.

The quhilk day James, Marques of Hamilton, his Majesties Commissioner, produced and exhibit before the Lords of Privie Counsell the proclamation underwritten, signed be his sacred Majestie; quhilk being red, hard and considerit be the saids Lords, they with all dutifull respect acknawledgit his Majestie's gratious favor borne to this his ancient kingdome in giveing full assurance of the trew religion to all his good subjects thairin, and ordaned the said proclamation to be insert and registrat in the books of the Privie Counsel and publication to be made thairof be opin proclamation at the mercat croce of Edinburgh and others places neidful, quhairthrow nane pretend ignorance of the same. Of the quhilk proclamation the tenor followis:—CHARLES R.—Charles, be the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, to our lovits, etc., maissers, heraulds, pursevants, our shireffs

Proclamation annulling all acts of the General Assembly in Glasgow.

in that part, conjunctlie and severallie, speciallie constitutte, greiting. Whereas, for the removeing the dissorders whiche had hapned of late within this our kingdome and for setling of a perfect peace in the church and commonwealth thairof, wee were pleased to caus direct a free General Assemblie to be halden at Glasgow the tuentie ane day of November last, and, for our subjects thair better content and assurance that they sould be fred of all suche things as by thair petitions and supplications given in to the Lords of our Privie Counsell they seemed to be greived at, wee in some sort preveened the Assemblie by dischargeing by our proclamation the Service Booke, Booke of Canons and Hie Commission, fred and liberat our subjects frome the practiseing of the fyve articles, eximed all ministers at thair entrie frome giveing anie other oath then that whiche is conteaned in the act of Parliament, made all persons both ecclesiasticall and civill lyable to the censure of Parliament, General Assemblie or anie other judicatorie competent, according to the nature of thair offence, had declared all bygone dissorders absolutelie forgotten and forgiven, and last, for secureing to all posteritie the truthe and libertie of religion, did command the Confession of Faithe and Band for maintenance thairof and of auctoritie in defence of the same, subscryved by our deare father and his houshold *in anno* 1580, to be renewed and subscryved againe be our subjects heere. And, albeit that this our gratious and pious command, in stead of obedience and submission, rancountred open and publict opposition, and protestation against the same, and that they continowed thair daylie and hourelie guardeing and watching our castle of Edinburgh, suffering nothing to be imported therein bot at thair discretion, stoppeing and impeding anie importation of ammunition, or other necessaries quhatsomever to anie of our houses within this kingdome, denying to us, thair soverane lord, that libertie and freedome whiche the meanest of thame assume to thameselves (ane act without precedent or example in the christian world); lykeas they spared not boldlie and openlie to continow thair conventions and counsel tables of nobilitie, gentrie, ministers and burgess within the citie of Edinburgh, quhair, not regarding the lawis of the kingdome, without warrand of auctoritie they conveened, assembled and treatted upon matters, als weele ecclesiasticall as civill, sent thair injunctions and directions throughout the countrey to thair subordinat table and other ministers appoynted be thame for that effect, and, under cullor and pretext of religion exerceing ane unwarranted libertie, requyred obedience to thair unlawfull and illegall directions, to the seene prejudice of auctoritie and lawfull monarchical governement; and notwithstanding it wes evidently manifest by the illegal and unformal course taken in the election of the commissioners for the Assemlie, quhairof some were under the censure of this churche, some under the censure of the churche of Ireland, some long since banished for oppin and avowed teacheing aganist monarchie, others of thame suspendit, and some admitted to the ministrie contrare to the forme prescryved be the lawis of this kingdome, others of thame

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rebells and at the horne, some of thame confyned, and all of thame by oath and subscription bund to the overthrow of Episcopall governement, and by this and other thair underhand workeing and privat informations and persuasions have given just ground of suspition of thair partialitie, and somade thameselfes unfit judges of what concerneth episcopacie. And als albeit it wes sufficientlie cleared by the peremptorie and illegall procedors of the presbiteries, who, at thair awne hand, by order of law and without dew forme of processe, thrust out moderators lawfullie established and placed others whome they fund most inclinable to thair turbulent humors, associat to thameselfes for chooseing of the commissioners to the Assemblie a laik elder out of each parish, who, being in most places equal if not moe in nomber then the ministrie, made choise both of the ministers who sould be commissioners from the presbiteries as also of a laik elder (whiche in tyme will prove to be of a dangerous consequence, and import a heavie burden to the libertie of church and churchmen), being more directed thairin be the warrants of the forsaid pretendit tables then be thair awne judgements, as appeired by the severall instructions sent frome thame (farre contrare to the lawis of the countrey and lowable custome of this churche), some quhairof were produced and exhibit be our Commissioner and publictlie red, one quhairof direct to the noblemen and barons of each presbiterie doth among many odd passages requyre diligence, least (say they) by our awne sillines and treacherie wee lose so faire ane occasion of our libertie, both christian and civil, a strange phrase to proceid from dutiful or loyal hairted subjects: The other to the moderators of the severall presbiteries under the title of Privat Instructions, August 27, first conteaneth that these privat instructions salbe discovered to none, bot to brethren weele affected to the cause; secondlie, order must be taken that none be chosin ruleing elders, bot covenanters and these weele affected to the bussines; thirdlie, that, quhair the minister is not weele affected, the ruleing elder be chosin be the commissioners of the shyre and spoken to particularlie for that effect;

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fourthlie, that they be carefull that no chappel men, chapter men or a minister, justice of peace, be chosin, altho covenanters, except they have publiclie renunced or declared the unlawfulnes of thair places; fyftlie, that the ruleing elders come frome everie churche in equal nomber with the ministers, and if the minister oppose to putt thameselfes in possession, notwithstanding anie opposition; sextlie, that the commissioner of the shyre caus conveene before him the ruleing elder of everie kirk chosin before the day of the election and enjoyne thame upon thair oath, that they give voice to none, bot to these who are named alreddie at the meiting at Edinburgh; seventlie, that quhair thair is ane nobleman in the bounds of the presbiterie he be chosin, and quhair there is none there be chosin ane baron, or ane of the best qualitie, and he onelie a covenanter; eightlie, that the ablest man in everie presbiterie be provydit to dispute *de potestate supremi magistratus in ecclesiasticis pre-*

sertim in co[n]vocandis consiliis, etc.; whereby it is most evident what prelimitations, indirect and partiall courses and dangerous propositions have beene used in the preparations and elections to this pretendit Assemblie: By whiche unlawful doings, altho wee had sufficient reason to have discharged the meiting of the said Assemblie, yit wee were pleased patientlie to attend the same, still hopeing that when they were mett togidder, by the presence of our Commissioner and assistance of some weele affected subjects, who were to be there, and by thair awne sieing the real performance of what wes promised by our proclamation, they sould have beene moved to returne to the due obedience of subjects; but when wee perceaved that thair turbulent dispositions did encrease, as wes manifest by thair repaireing to the said pretendit Assemblie with great bands and troups of men, all boddin in feare of warre with guns and pistolets, contrare to the lawis of this kingdome and in heich contempt of our proclamation at Edinburgh, the 16th of November last, as also by thair peremptorie refuiseing to the assessors authorised be ws (altho fewer in nomber then our dearest father wes in use to have) the power of voteing in this Assemblie as formerlie they have done in all others, openlie averreing that wee nor our Commissioner had no furder power there then the meanest commissioner of thair nomber, and by thair partiall and unjust refuiseing and not suffering to be red the reasons and arguments given in be the bishops and thair adherents to our Commissioner why they aucht not to proceid to the election of ane moderator, nather yit to the trying and admitting of the commissioners before they were hard, tho' in our name they were earnestlie requyred thairto by our Commissioner; and notwithstanding that our Commissioner by warrand frome ws gave in under his hand a sufficient declaration of all that wes conteaned in our late proclamation, beareing lykewayes our pleasure of the registration of the same in the books of Assemblie for full assurance of the truthe and puritie of religion to all our good subjects, as doth cleirlie appeare by the declaration it selfe wherof the tenor followis:—The King's Majestie, being informed that manie of his good subjects have apprehendit that, by the introduceing of the Service Booke and Booke of Canons the imbringeing of superstition hath beene intendit, hath beene gratiouslie pleased to discharge, lykeas by these presents he doth discharge the Service Booke and Booke of Canons and the practise of thame and either of thame, and annulls and rescinds all acts of Counsell, proclamations and other acts and deids quhatsomever that hath beene made or published for establishing thame or either of thame, and declars the same to be null and to have no force nor effect in tyme comeing. The King's Majestie, as he conceaved, for the ease and benefit of the subjects, established the Heich Co[m]mision that thairby justice might be administrat, and the faults and errours of suche persons as are made lyable thairto tane order with and punished with the more conveniencie and lesse trouble to the people, bot, findeing his gratious intention thairin to be mistaken,

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hath beene pleased to discharge, lykeas by these he doth discharge the same, and all acts and deids quhatsoever made for the establishing thairof. And the King's Majestie, being informed that the urgeing of the fyve articles of Perthe Assemblie hath bred distraction in the churche and state, hath beene gratiouslie pleased to take the same into his royal consideration, and for the quiet and peace of this countrey hath not onelie dispensed with the practise of the saids articles, bot also discharged all and quhatsomever persons frome urgeing the practise thairof upon either laik or ecclesiastike person quhatsomever, and hath fred all his subjects frome all censure and paines whither ecclesiasticall or secular for not urgeing, practiseing or obeying thame or anie of thame, notwithstanding of anie thing conteaned in the acts of Parliament or General Assemblie to the contrare. And his Majestie is farder content that the Assemblie take the same so farre to thair consideration as to represent it to the nixt Parliament, there to be ratified, as the Estates sall find fitting. And becaus it hath beene pretendit that oathes hath beene administrat different frome that whiche is sett doune in the acts of Parliament, his Majestie is content to declare be me that no other oath sall be requyred of anie minister at his entrie nor that whiche is sett doune in the act of Parliament. And that it may appeare how carefull his Majestie is that no corruption or innovation sall creep into this churche, nather yit anie scandal, vice or fault of anie person quhatsomever censurable or punishable by the Assemblie goe along unpunished, his Majestie is content to declare by me and assure all his good people that General Assemblies sall be kept so oft and als oft as the affaires of this church sall requyre, and, that none of his good subjects may have cause of greevances aganis the proceedings of the prelats, his Majestie is content that all and everie one of the present bishops and thair successors sall be answerable and accordinglie frome tyme to tyme censurable according to thair merits by the General Assemblie. And to give all his Majesties good people full assurance that he never intendit to admit anie alteration or change in the trew religion profest within this kingdome, and that they may be trewlie and fullie satisfied of the realitie of his intentions and integritie of the same, his Majestie hes beene pleased to requyre and command all his good subjects to subscryve the Confession of Faith and Band for maintenance thairof and of his Majesties person and auctoritie formerlie signed be his deare father *in anno* 1580, and now also requyreth all these of this present Assemblie to subscryve the same; and it is his Majestie's will that this be insert and registrat in the books of Assemblie as a testimonie to posteritie not onelie of the sinceritie of his intentions to the said trew religion, bot also of his resolution to mainteane and defend the same and his subjects in the profession thairof. Whiche declaration wes be our special command and direction given in and subscrybed be our Commissioner upon protestation made be him that his assenting to the registration heirof sould be no approbation of the lawfulnes of this Assemblie nor of anie of the acts or deids

Fol. 280, b.

Fol 281, a.

done or to be done thairin. And findeing thame in lyke sort no wayes to be satisfied thairwith and that nothing els wes able to give thame contentment except at thair awne pleasure they were permitted to overthrow all episcopal government in the churche, and therby to abrogate our publict lawis standing in vigor by the space of manie yeeres bygone, and to alter the fundamentall governement of this kingdome in takeing away one of the three Estates contrare to expresse acts of Parliament; and least the continowance of thair meitings might have produced other the lyke dangerous acts so derogatorie to royal auctoritie, wee were forder for preveening thairof, and for the reasons and causs abone mentioned, and diverse others importing trew monarchical governement to dissolve and breake up the said pretendit Assemblie and to discharge thame of all farder meiting, treating and concluding anie thing thairin; and yit in that calme and peacable way as our Commissioner before his removeing desyred thair pretendit moderator for that tyme to have sayd prayer and so concludit that dayes session, that so they might have had tyme to thinke upon the just reasons of his refuiseing to assist or be anie longer present at the said pretendit Assemblie; and of the causes moveing us to the disolving thairof. And notwithstanding his earnest urgeing the same, and being willing to returne the nixt morning to heere thair answer, in place of all other satisfaction to his so reasonable and moderate desyres it wes refuised and mett with a protestation of ane heich and extraordinarie strayne, thairby presoomeing to cite and call our Counsell in question for thair dutifull assistance and obedience to us and our Commissioner. And, findeing thair disobedience thus to encrease, wee were constrayned to discharge thame of new againe the nixt day thairafter by publict proclamation under the paine of treason. And, albeit thair contumacie is suche as hath not beene hard of in former tymes, yit they sall never move us to alter the least poynt or article of that wee have alreddie declared by proclamatioun or declaratioun under our Commissioners hand. All whiche wes publictlie red, and be our Commissioner requyred to be insert and registrat in the books of Assemblie, thairin to remaine as a testimonie to posteritie, not onelie of the sinceritie of our intentions to the true religion, bot also of our resolutioun to mainteane and defend the same and our subjects in the profession thairof. And perceaveing lykewayes that in contempt of our proclamation at Glasgow the 29 of November they goe still on to conveene, meit and to make illegall and unwarrantable acts, wee have conceaved it fitting to forwarne all our good subjects of the danger that they may incurre by being insnared by these thair unlawfull procedors, and to this purpose doe not onelie liberat and free thame frome all obedience to any of the pretendit acts, made or to be made, at the said pretendit Assemblie or committees direct thairfra, bot also doe free thame frome all paine or censure whiche the said pretendit Assemblie sall inflict upon thame or anie of thame; and thairfore doe discharge and prohibit all our subjects that they nor nane of thame acknawledge nor give

Acta, May 1636–November 1639. Fol. 281, a.

Fol. 281, b.

Fol. 282, a.

Acta, May 1636–November 1639.

obedience to anie pretendit acts nor constitutions made or to be made at the said pretendit meitings under all heichest paines. And we

Fol. 282, a.

command, charge and inhibit all presbiteries, sessions of kirks, ministers with[in] this realme, that nane of thame presoome nor take upon hand privatlie nor publictlie in thair sessions and meitings nor in thair conferences, sermons nor no other maner [of] way to authorise, approve, justifie or allow the said unlawfull meiting or Assemblie at Glasgow, nather yit to make thairupon nor to doe anie other thing privat or publict whiche may seeme to countenance the said unlawfull Assemblie, under the paine to be repute, holden and esteemed and persewed as guiltie of thair unlawfull meiting, and to be punished thairfore with all rigor. And siclyke wee command all and sundrie noblemen, barons, gentlemen, magistrats, and all other our leiges who sall happen to be present and heere anie ministers, either in publicke or privat conferences and speeches or in thair sermons to approve and allow the said unlawfull Assemblie, raile and utter anie speeches against our royall commandments or proceedings of us or our Counsell for punisheing or suppressing suche enormities, that they make relation and report thairof to our Counsel and furnish probation, to the effect the same may be accordinglie punished, as they will answer to us thairupon, certifieing thame who sall heare and conceale the saids speeches that they salbe esteemed as allowers of the same and sall accordinglie be tane order with, and punished thairfore without favor. And to this effect wee lykewayes straitlie charge and command all judges quhatsomever within this realme, clerkes and writers not to grant or passe anie bill, summonds, letters, or anie other execution quhatsoever upon anie act or deid proceeding frome the said pretendit Assemblie, and all keepers of the signet, from signeting thairof and under all heichest paine. And becaus wee gave order and warrant to our Commissioner to make open declaration, not onelie of our sense bot even of the trew meaning of the Confession of Faith *in anno* 1580, by whiche it may cleirlie appeare that as wee never intendit thairby to exclude episcopacie, so by no right construction can it be otherwayes interpreted, as is more nor evident in the reasons conteaned in the said declaration and manie moe, whiche for brevitie (the thing being in it selfe so cleare) are

Fol. 282, b.

omitted, heirfore wee doe not onelie prohibit and discharge all our subjects frome subscrybing anie band, or giveing anie writ, subscription or oath to or upon anie act or deid that proceids frome the foirsaid pretendit Assemblie, bot also doe requyre thame not to subscryve nor swear the said Confession in no other sense than that whiche is conteaned in the said Declaration and manifest emitted be our Commissioner under all heichest paines; and that none of our good subjects who in thair dutie and bund obedience to us sall refuise to acknawledge the said pretendit Assemblie or anie of the pretendit acts, constitutions, warrands or directions proceeding thairfra, may have just ground of feare of danger or harme by doing thairof, we doe by these promise and

upon the word of a King oblige our selfes by all the royall auctoritie quhairwith God hath endewed us to protect and defend thame and everie one of thame in thair persons, fortuns and goods, aganis all and quhatsomever person or persons who sall darre to presume or call in question, trouble or anie wayes molest thame or anie of thame thairfore. And our will is and wee charge yow straitlie and commands that, incontinent thir our letters seene, yow pas and make publicatioun hereof be opin proclamation at the mercat croce of Edinburgh and others places neidful, quhairthrow nane pretend ignorance of the same. Given frome our Court at Whythal, the eicht day of December and of our raigne the 14th yeere, 1639. *Per Regem.*" Acta, May 1636-November 1639. Fol. 282, b.

Arrangement for taking the oaths of new sheriffs of Banff and Inverness.

"Forsameikle as the King's Majestie hes beene pleased to appoynt Alexander Abercrombie of Birkeinbog to be shireff principall of the shirefdome of Bamff for the yeere to come, and Sir Donald M°Donald of Slait to be shireff principall of the shireffdome of Innernes for the said yeere, and quhairas it is [un]necessar that the saids tua shireffs sall give thair appeirance before his Majestie's Counsell to give thair oath for administration of thair office, since the same may be done with als great convenience and lesse charges to the gentlemen thame selves in the bounds where they dwell, thairfore the Lords of Secreit Counsell gives and grants commission be thir presents to George, Marques of Huntlie, and James, Earle of Finlater, or either of thame, to take the oath of the said shireff of Bamf, and to George, Marques of Huntlie, and George, Earle of Seafort, or either of thame, to take the oath of the said shireff of Innernes for the faithfull administration of thair offices within the bounds of thair jurisdictions respective, and to make ane note and report of the same to his Majestie's Counsell, to the effect the same may be registrat in the bookes of Privie Counsell *ad futuram rei memoriam;* and ordains the saids twa shireffs to make thair addresses to the Counsellers foresaids respective with convenient diligence to give thair oath in maner foresaid, to the effect they may goe on in the execution of thair offices for the good of his Majestie's service and benefite of the lieges." Fol. 283, a.

Dalkeith, 26th December 1638.

Sederunt:—Treasurer; Privy Seal; Argile; Southesk; Naper; Treasurer Deput; Justice General; Advocate. Fol. 284, a.

Similar arrangement in the case of the new sheriff of Caithness.

"Forsamekle as the King's Majestie hes beene pleased to appoint Francis Sinclar, sone to the Earle of Caithnes, to be shireff principall of the shirefdome of Caithnes for the yeere to come, and whereas it is unnecessar that the said shireff sall give his appearance before his Majesteis Counsell to give his oath for administration of his office, since the same may be done with als great convenience and lesse charges to the gentleman himselfe in the bounds where he dwells, thairfoir the Lords of Secreit Counsell gives and grants commission be thir presents to George, Marques of Huntlie, to take the oath of the said shireff of Caithnes for the faith-

Acta, May 1636–November 1639. Fol. 284, a. full administration of his office, and to make ane note and report of the same to his Majesteis Counsell to the effect the same may be registrat in the bookes of Privie Counsell *ad futuram rei memoriam;* and ordains the said shireff to make his addresse with convenient diligence to the said Marques to give his oath in maner foresaid, to the effect he may go on in the execution of his office for the good of his Majesteis service and benefite of the lieges."

Charge for the conveyance from Aberdeen to Edinburgh of James Gray in Ellon and others accused of uttering base dollars.

"Forsamekle as Johne Gray, tinckler, sometime at the Kirk of Tyrie, James Gray in Ellon and Annas Laing, concubine to the said Johne Gray, ar latelie tane be Williame, Earle Mairshell, and committed be him within the tolbuith of Aberdene, where they have confest the coyning and outting of false dollers, as thair depositions beirs; and whereas it is requisite for the further cleering of this mater that the saids persons be exhibite and tryed before his Majesteis Justice, thairfoir the Fol. 284, b. Lords of Secreit Counsell ordains letters to be direct charging the provest and bailleis of Aberdene to deliver the saids three persons to the shireff of Aberdene or his deputs within ane houre after the charge, and that the said shireff or his deputs receave the saids persons and transport thame to the shireff of Kincardin or his deputs within 24 houres thereafter; and that the said shireff of Kincardin or his deputs receave the saids persons and transport thame to the shireff of Forfar or his deputs within other 24 houres; as alsua that the said shireff of Forfar and his deputs receave the saids persons and transport thame within 24 houres thereafter to the provest and bailleis of Dundie, and that the saids provest and bailleis of Dundie receave the saids persons and transport thame within 24 houres thereafter to the shireff of Fyffe or his deputs; and that the said shireff of Fyffe or his deputs receave the saids persons and transport thame to the bailleis of Kingorne or Bruntilland with 24 houres thereafter; and that they also receave the saids persons and transport thame to the bailleis of Leith or to the provest and bailleis of Edinburgh within 24 houres thereafter; and that the saids bailleis of Leith or the provest and bailleis of Edinburgh receave the saids persons, committ thame to waird and deteane thame therein within ane houre after the charge, under the pane of rebellion, &c. And if anie of the magistrats foresaids dissobey the charge, the times respective foresaids being bypast, to denunce, &c."

Holyrood House, 29th December 1638.

Sederunt:—Treasurer; Privy Seal; Argile; Southesk; Naper; Treasurer Depute; Justice General; Advocate.

Warrant to Andrew, Lord Gray, to levy 1000 men for service under the King of France.

"The Lords of Secreit Counsell, according to ane warrant and direction in writt signed by the Kings Majestie, and this day presentit to thame, gives and grants commission and warrant to Androw, Lord Gray, to levey and take up within this kingdome ane thowsand men for the service of his Majesteis brother, the French King, quhairin the said Lord Gray is now imployed, with power to the said Lord Gray to doe

and performe all and sundrie things quhilks towards the uplifting and transporting of the said thowsand men ar necessar and may be lawfullie done, and that with all suche liberteis and priviledges as at anie time heirtofore have beene grantit to anie person quhatsomever in the like caises; charging heirby all our soverane lords judges, officers and magistrats, and all others his Majesteis subjects to burgh and land, to concurre and assist the said Lord Gray in the leveying and transporting of the said thowsand men, and that they nor nane of thame make anie trouble to him therein as they will answer on the contrare at thair perrell; provided that the said Lord Gray or some in his name doe mutuallie agree with everie one of the said number upon suche conditions as they sall best condescend upon, conforme to the custome observed in the like caises. His Majesteis missive for the Act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trusty and trusty and belovit counsellers, we greit yow weill. Whereas at this time we have required our right trusty and weilbelovit Androw, Lord Gray, to levey one thowsand men within that our kingdome for the service of our brother the French King, wherein the said Lord Grey is now imployed, our pleasure is that yow grant unto him a warrant with a sufficient commission for leveying and transporting of the said number for the use foresaid, with all suche large and beneficiall priviledges as at anie time heirtofore have beene grantit to anie person whatsoever in the like kynde, for which these presents sall be your warrant; provided that the said Lord Gray or some in his name doe mutuallie agree with everie one of the said number upon suche conditions as they sall best condescend upon. We bid you farewell. From our Court at Whitehall, the 4 of December, 1638." Acta, May 1636–November 1639. Fol. 284, b. Fol. 285, a.

Edinburgh, 17th January 1639.

Sederunt: — Treasurer; Lauderdaill; Naper; Clerk Register; Advocate; Treasurer Depute; Justice; Justice Clerk. Decreta, April 1635–February 1639. P. 491.

Complaint by Alexander Burnet, elder, and Robert Cruikshanks, merchants in Aberdeen, against George Gordon of Gicht for contempt of horning.

Complaint by Alexander Burnet, elder, and Robert Cruikshankis, merchants in Aberdeen, as follows:—On last George Gordoun of Geicht was put to the horn at their instance for non-payment to them of "seven hundreth punds money of this realme for the price of everie boll of the number of twa thowsand foure hundreth bollis good ait meale not delivered be him to thame conforme to his band"; but he pays no heed thereto, "bot haunts and repaires wher he pleases, bruiks his houses, uplifts his rents, as yf he wer ane good and obedient subject." Charge having been given to the said George Gordoun, and the pursuers compearing by Mr Robert Petrie, their procurator, but the defender not compearing, the Lords ordains heralds or pursuivants to charge the defender and all havers of his houses of to deliver up the same to them, and to enter himself in ward within the Castle of Blaknes within fifteen days upon pain of treason. P. 492.

Decreta, April 1635-February 1639. P. 492.

Supplication by Patrick Stewart, burgess of Aberdeene, as follows:— He was committed to ward within the tolbooth of Edinburgh, and has remained therein for the past ten months at the instance of the deceased John Russell, servitor to Mr John Russell, advocate, for non-payment of a principal sum of 250 merks with some interest and penalty contained in a bond granted by the supplicant to Thomas Gordoun of Grandoun who assigned the same to the said John Russell. The supplicant was apprehended without the knowledge of the said deceased John, as his testimonial to that effect, here produced, shows, and the said Thomas, as cedent foresaid, has consented to the supplicant's liberation in so far as he is warded for this debt, provided this consent infer no discharge thereof, but that he shall be at liberty to seek payment hereof in a lawful way. But the provost and bailies of Edinburgh refuse to release him without a warrant, and this he craves from their Lordships. The Lords, after hearing and advising, ordain the supplicant to give in to the Lords of Council and Session on the morrow a suspension and relaxation upon the reasons foresaid, and upon this being passed by them they ordain letters of horning to be granted against the provost and bailies of Edinburgh to put the supplicant at liberty within twenty-four hours, so far as he is warded on the above charge, wherein if they fail they are to be put to the horn.

Supplication by Patrick Stewart, burgess of Aberdeen, for release from ward in the Tolbooth of Edinburgh.

P. 493.

Complaint by William Meldrum in Straquharne, tutor testamentar to Margaret and Isabel Kennedy, lawful daughters of the deceased Hew Kennedy of Burralley, as follows:—On 13th November, 1634, and 11th May, 1635, Alexander Gordoun of Achinnachie and Alexander Gordoun of Newtoun of Garrie were put to the horn for non-payment of 2750 merks, with interest and expenses thereof; but to these hornings they pay no heed. The pursuer compearing by Mr James Kennedy, his procurator, but the defenders not compearing, the Lords ordain the said Alexander Gordoun of Auchinnachie and Alexander Gordoun of Garrie, now in Douns, to deliver up their houses to the herald or pursuivant who shall execute this charge, and to enter themselves in ward within the Castle of Blaknes within fifteen days upon pain of treason.

Complaint by William Meldrum in Straquharne against Alexander Achinnachie and Alexander Gordon of Newtoun of Garrie for contempt of horning.

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Sederunts, January 1635-November 1643. Fol. 64, b.

Sederunt:—Treasurer; Mar; Angus; Elphinstoun; Naper; Amont; Clerk Register; Advocate; Treasurer Depute; Justice; Justice Clerk.

Edinburgh, 22nd January 1639.

[No record of business.]

Sederunt:—Treasurer; Mar; Murray; Wintoun; Elphinstoun; Naper; Amont; Clerk Register; Advocate; Treasurer Depute; Justice; Justice Clerk.

Edinburgh, 24th January 1639.

[No record of business.]

Edinburgh, 29th January 1639.

Sederunt :—Treasurer; Mar; Murray; Argile; Winton; Elphinston; Naper; Clerk Register; Advocate; Treasurer Depute; Justice General; Justice Clerk. Acta, May 1636-November 1639. Fol. 285, a.

Letter from his Majesty stating that he intends to repair to York about Easter.

"The whilk day the missive letter underwritten, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presentit to the saids Lords and read in thair audience, of the quhilk the tennor followes: —CHARLES R.—Right trusty and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we intend to repaire in person to York about Easter nixt that we may be the more neere to that our kingdome for accommodating our affaires there in a faire maner, whiche course we alwayes affected as we still doe, these ar to advertise yow of this our resolution, being confident that in the meane time yow will not be wanting in that whiche may concerne the good of our service, and as we sall acquaint yow from time to time with our further proceedings, so, if anie thing occurre wherein yow would advise us, lett us lykewayes be acquainted therewith, becaus we will speciallie rely upon your judgement, and so we bid yow farewell. Frome our Court at Whitehall, the 18 of Januarie, 1639, *stilo Scotico*. Quhilk missive being heard and considderit be the saids Lords, they ordaine the same to be insert and registrat in the bookes of Privie Counsell." Fol. 285, b.

Warrant to Colonel Alexander Erskine to levy 1000 men for service under the King of France.

"The Lords of Secreit Counsell, according to ane warrant and direction in writt, signed be the Kings Majestie and this day presented to thame, gives and grants commission and warrant to Alexander Areskine, his Majesteis servant and sone to umquhill Johne, Erle of Mar, to levey and take up within this kingdome ane thowsand men for the service of his Majesteis brother, the Frenche King, wherein the said Alexander is now imployed; with power to the said Alexander to doe and performe all and sindrie things quhilks towards the uplifting and transporting of the said thowsand men ar necessar and may lawfullie be done, and that with all suche liberteis and priviledges as at anie time heirtofore have beene granted to anie person whatsomever in the like caises; charging heirby all our soverane lords judges, officers and magistrats and all others his Majesteis subjects to burgh and land, to concurre and assist the said Alexander Areskine in the leveying and transporting of the said thowsand men, and that they nor nane of thame make anie trouble to him therein as they will answer upon the contrare at thair perrell; provided that the said Alexander or some in his name doe mutuallie agree with everie one of the said number upon suche conditions as they sall condescend upon conforme to the custome observed in the like caises. His Majesteis missive for the act abonewrittin :— Fol. 286, a.
CHARLES R.—Right trusty and right weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, right trusty and trusty and belovit counsellers, we greit yow weill. Whereas, for

Acts, May 1636–November 1639. Fol. 286, a.

good considerations moving ws, we ar willing that a present levey of a thowsand men be made within that our kingdome for the service of our darrest brother, the Frenche King, our pleasure is that to this purpose yow give warrant with all the convenience that may be unto Alexander Areskine, our servant, with als ample and beneficiall a commission and priviledges both for thair speedie leveying and transportation as formerlie have beene grantit to anie in the like kynde, for which these presents sall be your warrant; provided that he or others in his behalfe agree with thame after the maner accustomed. We bid yow farewell. Frome our Court at Whitehall, the 14 of Januarie, 1639, *stilo Scotico*."

Charge to Walter M'Farlane, fiar of Arrochar, to present before the Council certain notorious thieves.

"Forsamekle as the Lords of Secreit Counsell ar informed that George Arrell, McFarlans, Buchannan, etc., to the number of nyne persons, all commoun and notorious theeves, having latelie stollin some goods and bestiall from Johne, Alaster and Walter Stewarts in Glen, tennents to the Erle of Murrey, and being hereafter followed and overtane be the saids tennents, one of the saids theeves wes killed and the rest apprehended to have beene exhibite to thair tryell; but in this meane time Walter McFarlane, fear of Arroquhat, tooke the saids theeves off the gentleman's hand, and in that regard he aucht to be answerable for thame and present thame to thair tryells; for quhilk purpose the saids Lords ordains letters to be direct charging the said Walter to compeir, bring and exhibite the saids theeves particularlie abonewrittin before the saids Lords at a certane day, to the effect they may be presented to justice, tryed and punished conforme to the law, under the pane of rebellion, etc., with certification, etc."

[Sederunt as recorded above.]

Edinburgh, 29th January 1639.

Decreta, April 1635–February 1639. P. 494.

Complaint by George Deanes, advocate, against Hector Nisbet and John Munder for forcibly occupying a tenement in the Potterrow belonging to the complainer.

Complaint by George Deanes, advocate, as follows:—He has a tenement of land in the Potteraw of which he and his authors have been in peaceable possession these many years, until lately on August last that Hector Nisbit and John Munder, indwellers in the Potteraw, with others their accomplices, came between two and three in the morning to one of the "laich" houses of the said tenement, where the complainer had some timber and other materials stored for the repairing of the said tenement, "dang up the doore of the house, entered therin, and betuix seven and aught hours that day they brought in aill, tobacco and

P. 495.

others vivers and made mirrie and hes brokin out sindrie holes in the gavell of the hous, wherby the haill tenement is lyke to be indangered." Charge having been given to the said Hector Nisbit, and both pursuer and defender compearing, the Lords, after hearing parties and their witnesses, allow the defender to keep possession of the house libelled till Whitsunday next upon his finding sufficient caution in the books of Privy Council for payment of the rent thereof, but that he shall remove at next Whitsunday, leaving the house in as good condition as when he

entered thereto, as also that he will not trouble the said George Deans in his possession thereof hereafter under the penalty of £100. Decreta, April 1635-February 1639. P. 495.

Edinburgh, 31st January 1639.

Sederunt:—Treasurer; Argile; Mar; Elphinstoun; Naper; Clerk Register; Advocate; Justice General; Treasurer Depute; Justice Clerk. Sederunts, February 1635-November 1643. Fol. 64, b.

Answer to a petition by certain noblemen and others postponed.

"The Lords having read, heard and considderit a petition given in this day be some noblemen and others, they find that the mater therein conteanned deserves the consideration of a fuller number of the Counsell, and thairfoir continewes the answering thairof till this day eight dayes that some of the Counsell be warned to be present."

The magistrates of Edinburgh to set David Home at liberty.

"The Lords ordains the provest and bailleis of Edinburgh to putt David Home to libertie, becaus he hes actit himselfe to keepe the Kings peace under the paine of iij^{c} merkes."

Answer to the noblemen's petition and to his Majesty's letter postponed.

"The Lords, having mett this day to consult upon the answer that sould be writtin to his Majesteis letter presented on Tuisday last, and in the meane time there being a petition presentit be some noblemen, gentlemen and others for thameselves and in name of some others to thame, and being read in thair audience and considderit be thame, they find the mater herein conteanned to be of great consequence as that the consideration thairof requires a more full and frequent number of the Counsell then ar present for the time. And thairfoir the Lords continewes the answering of this petition till this day eight dayes, agane what time a greater number of the Counsell is to be warned to be present; and siclyk continewes the giving answer to his Majesteis letter till that day. And, that it may appeare that the Lords hes receaved and tane notice of his Majesteis letter, they recommend to the Lord Treasurer to informe his Majestie of this continuatioun and of the reasons moving thame thereto." Fol. 65, a.

Edinburgh, 7th February 1639.

Sederunt:—Treasurer; Mar; Elphinstoun; Naper; Clerk Register; Treasurer Depute; Justice; Justice Clerk. Decreta, April 1635-February 1639. P. 495.

Complaint by Alexander Somerville, merchant burgess of Edinburgh, against Alexander Crawford for destroying a deed in favour of the complainer.

Complaint by Alexander Sumervaill, merchant burgess of Edinburgh, as follows:—There was a deed recently drawn up between him and Lilias Sumervaill, daughter and heir of the deceased James Sumervaill, merchant burgess of Edinburgh, and sister to the deceased Janet Sumervaill, wherein the said Lilias, among other things therein contained, discharged him of a sum of 9000 merks and also assigned to him the sum of 4000 merks on the terms contained in the said deed, which is dated 8th August last. This deed was delivered to the complainer as his property and was in his possession for six weeks, when Alexander Crawfurd, spouse to the said Lilias, asked a sight of it upon the pretext that he would give the complainer a more valid deed, affirming that this one contained some particular prejudicial to him. The complainer there- P. 496.

Decreta, April 1635-February 1639. P. 496.

upon simply entrusted the deed to William King, notary, in the chamber of James Gibsone, advocate, on last for the above purpose, but, as soon as it had been placed in the notary's hands, the said Alexander Crawfurd "reft the same out of the notars hand and cancelled and destroyed" it. Both pursuer and defender appearing, and they and witnesses having been heard, the Lords find Alexander Crawfurd guilty as libelled, and for this "verie great insolence of a pernicious and wicked example" they ordain him to be warded in the tolbooth of Edinburgh until "he make up to the said persewar the tenor, date and substance P. 497. of the writte cancelled and destroyed be him, and fordir ay and whill the said Lords tak sik fordir course for his punishment as they sall think meitt and expedient." Whereupon he was presently committed to ward within the said tolbooth.

Supplication by Dame Janet Lawson, Lady Ednam, for continuance of protection.

Supplication by Dame Jennet Lawsone, Lady Ednem, as follows:—The negotiations for the sale of the lands of Ednem are now brought to a good conclusion, the only hindrance being the discussion of some actions in the Court of Session which she hopes to get outred during this session if she had liberty to come to Edinburgh and personally attend the same. For this she craves their Lordships' warrant, and they grant her their protection until 1st March next.

Sederunts, February 1635-November 1643. Fol. 65, a.

The Earl of Mar to exhibit the Laird of Craigingelt before the Council.

"The quhilk day the Erle of Mar undertooke to exhibit the Laird of Craigingelt, shireff-deput of Stirline, before the Counsell upon Tuisday nixt, to answer for what sall be layed to his charge anent the taxatiouns."

Decreta, April 1635-February 1639. P. 498.

Edinburgh, 12th February 1639.

Sederunt:—Treasurer; Mar; Morray; Dumfreis; Angus; Elphinstoun; Clerk Register; Treasurer Depute; Justice; Justice Clerk.

Complaint by James Cubin, prisoner in the Tolbooth of Edinburgh, against John Falconer, Master Coiner, for detaining him in ward and refusing to maintain him.

Complaint by James Cubin, prisoner in the tolbooth of Edinburgh, as follows:—He has been long a prisoner in the tolbooth of Edinburgh by the procurement of John Falconer, Master Coiner, upon a charge made against him before the Lord Chief Justice, but in which he does not now insist. Falconer, however, refuses to provide for the complainer's maintenance in terms of the direction of the Lord Justice. Both parties compearing and having been heard, the Lords ordain the Lord Justice to appoint a diet for the trial of the complainer for the crimes for which he was committed to ward, and the said John Falconer undertook to pursue the said James Cubin for these crimes before this day month.

Edinburgh, 19th February 1639.

Sederunt:—Treasurer; Mar; Dumfreis; Angus; Naper; Clerk Register; Advocate; Justice; Treasurer Depute; Justice Clerk; Blakhall.

P. 499.

Complaint by James Crichton, bailie of the barony of

Supplication by James Crightoun, lawful son to the Earl of Dumfreis, and bailie of the barony of Sanquhar, as follows:—John Bradfoote, natural son of the deceased Andrew Bradfoote, sometime in Todhills, a

Sanquhar, against John Braidfoote, a notorious thief.

notorious thief, who has frequently been apprehended with the fang and committed to ward not only by the supplicant (whose ward he has twice broken) but also by the Sheriff of Air, who has taken him acted never to be seen within his bounds upon pain of death; after which he again came within the supplicant's bounds, and being taken with several fangs was committed to ward on the 4th instant. He then willingly acted himself never to be seen within the said barony again under the pain of death without the benefit of an assize, notwithstanding whereof he was of new taken stealing within the said barony thereafter, and is now in ward. He craves direction how to deal with him. The Lords ordain him to take the said John judicially acted to leave the kingdome and never return upon pain of death; and to make sure of this he is to hand him over to Captain Murray to be sent by him to the wars.

Decreta, April 1635-February 1639. P. 499.

Complaint by Mr. Archibald Halden, constable of the Castle of Edinburgh, against William Geddes, indweller in Edinburgh, for illegal warding.

Complaint by Mr Archibald Halden, constable of the Castle of Edinburgh, as follows:—For the past eight days he has been imprisoned in the tolbooth of Edinburgh upon some misinformation by William Geddes, indweller in Edinburgh, and being wrongfully detained and having nothing wherewith to maintain himself, is obliged to have recourse to their Lordships for his liberty. Both pursuer and defender compearing, the former being produced by the provost and bailies of Edinburgh at the direction of the Lords, the said William Geddes declared that the pursuer had been warded for not finding law-surety to him, and craved that before he were liberated he should be made to do so. The pursuer said he could find no caution, but upon his great and solemn oath he obliged himself that the defender and his wife, tenants, children, men and servants should not be molested by him under the pain of perjury, infamy, defamation and loss of credit in all time coming. The pursuer then craved that he might have law-surety of the defender, declaring upon oath that he dreaded bodily harm from him; whereupon the defender similarly obliged himself towards the pursuer and his under the penalty of 200 merks. Thereupon the Lords ordained the provost and bailies of Edinburgh to liberate the pursuer.

P. 500.

Complaint by Thomas Brown, smith to his Majesty, against Robert Telfer and others for detaining him in ward in the Tolbooth of Edinburgh in prejudice to his health.

Complaint by Thomas Broun, elder, smith to his Majesty, and burgess of Edinburgh, as follows:—He has been apprehended and warded in the tolbooth of Edinburgh as cautioner for the deceased George Sinclair, master-wright to his Majesty, for non-payment of some debts to the persons aftermentioned due by the said George, viz., to Robert Tailefer, painter, for 200 merks of principal and interest and expenses; Agnes Young, servitrix to William Symson, merchant, for 50 merks and interest and expenses; to Alexander Chancellar at the West Port for £50 and interest and expenses; to Robert Cranstoun as cautioner to Jonet Adamsone, widow, for £12 for the rent of a cellar; to Thomas Wilson, saddler, as cautioner for John Milne, master-mason to his Majesty, for 200 merks with interest and expenses; and to Archibald Law, cordiner, as cautioner for John Kello, armourer, for 200 merks with interest; and in the said ward he has been detained miserably for twenty days,

P. 501.

Decreta April 1635-February 1639. P. 502.

"almost suffocat for want of wholsome aire and be reason of a corrupte and confused air in the said prison, the said complenar being of a sillie, weake, flegmatik complexion, not able to subsist wanting free air, and in the meane tyme hes nane of his awne means in my hand wherewith to interteane himselfe far les to bestaw upon phisitians, bot all is in debtors hands, wha on na wayes will answer him anie of his awne in respect of the present sturs in the kingdome, sua that all his refuge under God wes in his handie labour, wherfra he is abstracted be the violence of his creditors. Quhairfor to prœvent the evident occasion of death quhilk may befall him be suffocation be the corrupt air, and als in regard that he hes the credite to be his Majesties smith, necessar it is that either his creditors consent to his libertie upon ane assignation to his haill meanes, or otherwayes interteane him in ward, or at leist that he may be transported fra the warding place of the tolbuith of Edinburgh, wher he remains, to the Castell of Edinburgh, wher he may live but feare of suffocation ay and whill he be orderlie fred and relieved thairfra." Charge having been given to the said Robert Tailiefer, Agnes Young, Alexander Chancellar, Thomas Wilson, Janet Adamson, and Archibald Law, as also to the provost and bailies of Edinburgh and the constable of the Castle of Edinburgh, and the said Robert Tailiefer and Janet Adamson compearing, and consenting to the removal of the pursuer, the Lords ordain letters to be directed to the provost and bailies foresaid to transport the pursuer from their tolbooth to the Castle of Edinburgh within twenty-four hours, and to the constable and keepers of the said castle to receive him and keep him in sure firmance there upon his own expenses until he be orderly released, under the pain of rebellion.

P. 503.

Complaint by Alexander Barclay in Kirkhill against Thomas Kennedy of Kirkhill, who threatens the life of the complainer and whose servitor, Thomas Kennedy, has committed a deadly assault on the complainer.

Complaint by Alexander Barclay in Kirkhill, as follows:—Thomas Kennedy of Kirkhill has conceived a deadly hatred towards him and seeks to take his life. "He hes not onlie threatned with fearfull oathes to do the same, bot also sought all occasions how to putt his bloodie purpose to execution"; therefore the complainer was obliged to complain to the justices of peace of the bailiary of Carict, and they on 20th July last put the said Thomas Kennedy upon his great oath not to harm the complainer. But that very afternoon Thomas Kennedy, a servitor to the said Thomas, at his master's instigation, lay in wait "for the complenar in a busse, and as he wes going home fiercelie sett upon him with a drawne sworde behind his backe ere ever he wes aware, and gave him twentie-five bloodie straks upon the heid, shoulders and both armes and left him for deid, and tharafter went home to his master, who ressaved him kindlie, gave him his best horse with ane cloake and moneyes and patt him away, thinking the complenar had beene dead; bot, hearing he was likelie to live, he threatned to come to his awne house and kill him in his bed." The said justices charged him therafter to find caution to keep the peace, but he proudly refused, and still keeps his said servant in his house, hounding him out at all occasions to take

P. 504.

the complainer's life. The pursuer compearing personally but the defender not, the Lords ordain the latter to be put to the horn and escheated. Decreta, April 1635-February 1639. P. 504.

Edinburgh, 21st February 1639.

Sederunt :—Treasurer; Argile; Mar; Wigton; Dumfreis; Angus; Elphinston; Naper; Clerk Register; Treasurer Depute; Advocate; Justice; Justice Clerk; Blakhall. Acta, May 1636-November 1639. Fol. 286, a.

Charge to the magistrates of Edinburgh to delay the execution of Henry Speedy.

"The Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to continew and superseed the execution of the sentence of death pronunced aganis Henrie Speedie till Tuisday nixt at twa afternoone." Fol. 286, b.

Edinburgh, 21st February 1639.

[Sederunt as recorded above.] Decreta, April 1635-February 1639.

Complaint by James Mowat of Fawside against George Home, chief domestic of the complainer, for seducing and carrying off his daughter, and for hamesucken.

Complaint by his Majesty's Advocate, and James Mowatt of Fawsyde, Writer to the Signet, party grieved, as follows:—The carrying of hagbuts and pistols is straitly prohibited by law, yet "George Home, sone to umquhile Johne Home, coocke in Kelso, being houshold man to the said James and haveing the trust and charge of his house, bot, being most unworthie of the samen, he unthankfullie and craftilie aganis his dewtie seduced the complenars onelie barne, ane damosell of xviij yeirs old, and tooke hir away and keeped hir in his companie the space of ane yeir unmarried, he being all this tyme ane beggarlie boy, as he is yitt. Quherwith the complenar, haveing patientlie comported and with others shamefull disgraces these foure yeirs bygane, the said George, not content heirwith, accompanied with his wyffe and ten children, James Home, his brother, and Margaret Meike, his servant, came upon the P. 505. penult of August last be way of hamesuckin to the complenars dwelling house, entered within the hall, pulled furth ane pistoll and sword, threatning with manie fearfull and execrable oathes that he, his wyfe and familie sould byde within the house whether the complenar wald or not as long as ther wes a stone within the samen. And the complenar, haveing with great wrestling putt thame to the doore, thane the saids persons tooke thame to the kitchin and settled thameselves ther, and possess the same as yitt. And when as upon the thrid day of October last the complenar desired thame to remove frome his house, the said George of new pulled furth his pistollet and fired the samen to the complenars breast, and drew his sword, protesting that he wald not remove for the complenar nor nane that wald take his part." And when the complainer caused the said George to be charged to find lawburrows to him, he proudly disdained the charge, "past to the horne, and lyes registrat thairat." Charge having been given to the said George and James Home, and the pursuer compearing personally but not the defenders, the Lords, after hearing witnesses, find the complaint P. 506. verified against the said George Home, and they therefore ordain him to

Decreta, April 1635-February 1639. P. 506.

be charged to enter prisoner within the tolbooth of Edinburgh within six days until further order be taken with him, upon pain of horning.

Complaint by Alexander Jaffrey of Kingswallis and Thomas Johnston of Craig, chamberlain of the lands of Caskiben, as follows :— On 1st August instant Sir George Johnestoun of Caskiben, George, John and William Johnstoun, his sons, Dame Elizabeth Forbes, his spouse, John Spence, sometime of Boddome, John Steven, Patrick Stuir, Bartill Fraser, James Watt, George Spring, James and Thomas Blackhill, Robert Tailzeour and Thomas Millisone in Ardiharrell and William Boyne, gardiner in Caskiben, were put to the horn for not compearing before their Lordships to answer to the charge of dispossessing the said chamberlain of the house of Caskiben; as also upon the 18th August the said Sir George was further denounced for not removing from the place of Caskiben and repossessing the said chamberlain therein, and not entering himself in ward within the tolbooth of Edinburgh. All these persons still go about and contemn the said hornings. Charge having been given to them, and the pursuers compearing by Mr Robert Ferquhar, but none of the defenders compearing, the Lords ordain letters of treason to be issued against them for rendering their houses and entering their persons in ward within the Castle of Blaknes within fifteen days.[1]

Complaint by Alexander Jaffrey of Kingswallis and Thomas Johnstone of Craig, chamberlain of the lands of Caskieben, against Sir George Johnstone of Caskieben and others for contempt of horning.

P. 507.

Sederunta, February 1635-November 1643. Fol. 65, b.

Sederunt :—Treasurer; Argile; Mar; Murrey; Wigtoun; Dumfreis; Angus; Elphinstoun; Naper; Amont; Clerk Register; Treasurer Depute; Justice; Justice Clerk; Blakhall.

Edinburgh, 22nd February 1639.

"The Lords having read and considderit the petition givin in to thame be some noblemen, barons, burgesses, ministers and commouns within this kingdome aganis George and John Stirlines and the desires therein conteanned, for the first they have allowed and allowes the course taken be the provest and baillies of Edinburgh anent the putting of George Stirline under caution for his compeirance to answer to what sall be layed to his charge, and ordains the caution found be the said George Stirline to stand in force aganis him till farther order be givin be his Majestie and the saids Lords concerning him. And if the said John Stirline come within thair bounds, ordains the provest and baillies to take the like caution of him. And as for the other part of the petition the Lords resolves to acquaint his Majestie therewith."

Anent a petition by certain noblemen, barons, burgesses, and ministers and commons against George and John Stirling.

"The Lords appoint thair nixt meeting to be the morne at seven houres in the morning."

Next meeting of Council.

Fol. 66, a.

Sederunt ut die prædicto.

Edinburgh, 23rd February 1639.

"The Lords appoints thair nixt meeting to be on Moonday at twa afternoone."

Next meeting of Council.

[1] There is now a hiatus in the Decreta until 30th November 1641.

Edinburgh, 28th February 1639.

Sederunt :—Treasurer; Argile; Mar; Murrey; Wigton; Kingorne; Lauderdaill; Southesk; Angus, Elphinston; Naper; Amont; Clerk Register; Advocate; Treasurer Depute; Justice General; Justice Clerk; Blakhall. Acta, May 1636–November 1639. Fol. 286, b.

Proclamation anent the observance of Lent.

"Forsamekle as the slaying and selling of flesh in time of Lent hes beene upon verie good respects and considerations by diverse acts of parliament and Secreit Counsell straitlie prohibite and forbiddin within this kingdome under certain panes mentiouned and conteanned thairin, nevertheles the Lords of Secreit Counsell ar informed that diverse persons of all rankes and qualiteis, preferring thair privat contentment to the obedience of the law, ceasse not in time of Lent to slay, sell and eate flesh at thair pleasure, to the great hurt of the commoun weale and contempt of all good order and governement; and whereas the persons offending in this kynde presoome of oversight and impunitie be reason of the connivence alledged showin to thame in time bygane, quhilk is ane great inducement to thame to continew in thair wilfull contempt and breake of the law, thairfoir the Lords of Secreit Counsell hes resolved that with all rigour and extremitie they will execute the law aganis all suche persons as darre heerafter presoome to violat the same in this point; thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects, of what estat, qualitie and degree so ever they be, be opin proclamation at the mercat croces of the head burrowes of this kingdome and others places needfull, that nane of thame presoome nor take upon hand during this forbiddin time of Lent to eate or make readie for eating anie kynde of flesh under the panes following to be uplifted of everie person contraveening, so oft as they faillie, that is to say, of everie erle ane hundreth punds, of everie lord ane hundreth merkes, of everie baron fourtie punds, of everie burges, oastler and commoun cook that sellis meate and drinke fourtie punds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed; as alsua that no fleshers presoome nor take upon hand to sell or slay flesh during the time foresaid of Lent under the pane of fourtie punds, so oft as they faillie, and by and attour the payment of the pecuniall soumes foresaids the offenders sall be punished in thair persons at the discretion of his Majesteis Counsell; and siclyke to command and charge all and sindrie shireffs, stewarts, provests and baillies within burgh and all others bearing anie publict office and charge within this kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictions have a speciall care and regard to see this present act observed in everie point, and where they sall happin to discover anie person or persons contraveening thir presents that they take notice of thair names and informe his Majesteis Counsell thairof, to the intent the offenders may be callit to thair answer and punished accordinglie." Fol. 287, a.

Acts, May 1636-November 1639.
Fol. 287, a.

Sederunt:—Treasurer; Argile; Mar; Murrey; Wigton; Kingorne; Lauderdaill; Southesk; Angus; Elphinston, Naper; Amont; Clerk Register; Advocate; Justice General; Treasurer Depute; Justice Clerk; Blakhall. Edinburgh, 1st March 1639.

"The whilk day the Lords of Secreit Counsell ordained ane missive to be writtin to his Majestie conteaning ane answer to his Majesteis missive formerly sent unto thame and insert in the bookes of Privy Counsell anent his Majesteis comming to Yorke, whilk wes accordinglie done, of the date and tennor following:—Most sacred soverane, By your Majesteis letter, the 18 of Januar, your Majestie wes graciouslie pleased not onelie to lett ws know your Majesteis resolution to come to Yorke to be so muche nearer this kingdome for accommodating your Majesteis affaires heere in a faire maner, whiche course your Majestie graciouslie expresseth yow still affect, but also require us that if there be anie thing wherein we would advise your Majestie that we sould acquaint your Majestie therewith. Wherefore, least we sould be wanting in that dewtie whiche Fol. 287, b. your Majestie may justlie expect frome us as humble and faithfull counsellers, or seeme unworthie of the place and roumes which by your Majesteis speciall favour we injoy in this kingdome, we cannot but acquaint your Majestie with ane supplication givin in to us by ane great manie noblemen, barons, burgesses and others of this kingdome, whiche for your Majesteis better informatioun we presoome to send you heerwith; and with all we cannot bot lett your Majestie know that for farther cleering thair innocencie thairof they have offered publictlie at Counsell table by thair oathes and subscriptions to justifie thameselves and thair intentions heerin. And least upon this or some suche informations your Majestie might be the more easilie moved to thinke upon harder courses then your Majestie heirtofore hath been pleased to keepe with this your ancient and native kingdome and subjects therein, we conceave ourselves bound in dewtie and in obedience to your royall commandments to represent to your Majesteis wise and grave consideration this thair petition; and seing the peace of your Majesteis governement, wherein consisteth our earthlie happines and wealefare of this kingdome dependeth upon your Majesteis resolutions and the course yow sall be graciouslie pleased to keepe in the prosecution of thir maters now in hand, we humblie supplicat your Majestie, in your accustomed fatherlie care of the good and preservation of this your ancient kingdome and of your faithfull subjects, therein to resolve upon some suche course as without force of armes or showing of your princelie power the deplorable estat of this kingdome may be settled, whereby your Majestie may receave contentment, and we, your humble and faithfull subjects, injoy the wounted blinkes of your Majesteis favour in ane happie and peaceable governement. And so with our humble and heartie prayers to God to direct your Majestie in this great and important bussines after suche a maner as sall be most agreable to your Majesteis honnour and the

Answer to his Majesty's letter anouncing his coming to York.

See *ante*, p. 106.

peace of the kingdome, we rest, etc. Edinburgh, *primo Martij*, 1639. *Sic subscribitur*, Traquaire, Argile, Mar, Murrey, Wigton, Kingorne, Lauderdaill, Southesk, Angus, Elphinston, Naper, Amont, J. Hay, S. Thomas Hop, S. W. Elphinston, Ja. Carmichaell, J. Hamilton, Blakhall." Acta, May 1636–November 1636. Fol. 287, b.

Holyrood House, 22nd March 1639.

Sederunt:—Treasurer; Mar; Dumfreis; Justice General; Advocate; Treasurer Depute; Justice Clerk. Fol. 288, a.

His Majesty's reply to the above letter.

"The whilk day the missive letter underwrittin, signed by the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes:—CHARLES R.—Right trusty and right weilbelovit cousins and counsellers, right trusty and trusty and weilbelovit counsellers, we greit yow weill. We have perceaved by your letter wherein yow make mention of that whiche we expressed in a letter formerlie of our repairing to Yorke to be the more neere to that kingdome for accommodating our affaires there in a faire maner, and withall yow expresse your desire how the deplorable estat of that kingdome might be settled without force of armes or showing of our princelie power. We have showne our care hitherto by our actions for that effect, nather ar we yitt averse frome continuing in that course, but, if in the meane time anie of our good subjects sall suffer for thair affection to our service in obedience to our commands, we will be vere sensible thairof, and have a speciall care to see thame fullie repaired; and so expecting that yow of our Counsell, as yow ar honnoured by us to be first in place, will stryve to goe before others by your good example in advancing of our service, we bid yow heartilie farewell. Frome our Court at Whitehall, the 15 of Marche, 1639, *stilo Scotico*. Quhilk missive being heard and consideritt be the saids Lords, they ordaine the same to be insert and registrat in the bookes of Privie Counsell."

Edinburgh, 11th April 1639.

Sederunt:—The Lords of Secreit Counsell underwrittin, viz.:—The Earles of Mar, Perth, Wigton, Gallouay, Lauderdaill, and Southesk; the Lords Elphinston and Naper; the Advocate and Treasurer Depute, togidder with the Lords of Session aftermentioned, viz.:—The Lords Durie, Innerteill, Foderance, Innerpeffer, Balcolmie, Cranston Riddell, Craighall, Scotstarvet, and Eastbanke.

Resolution that the Lords of Council and Session should in a body proceed to his Majesty to deprecate his wrath.

"The Lords of his Majesteis Privie Counsell and Session, having tane to thair consideration the deplorable and calamitous estat of this kirk and kingdome, and understanding that one of the greatest causes thairof arises frome his Majesteis offence taken aganis the late proceedings within the same, and they being fullie perswaded that his Majestie will be pleased to heare of thame the simple truthe as they sall be answerable to God and his Majestie without anie privat respect but allanerlie Fol. 288, b.

Acta, May 1636–November 1639. Fol. 288, b.

his Majesteis honnour and the saifetie of this kingdome, thairfoir they thinke it necessar and incumbent to thame, out of thair humble and bound affection to the weale, honnour and happines of his Majesteis person and governement and for preventing the imminent dangers hanging over this kingdome, that they all unanimouslie sould present thameselves to his sacred Majestie, and falling doun at his royall feete deprecat his Majesteis wrath aganis his subjects; and thairfoir they all in ane voice have resolved to take journey with all expedition towards his Majestie for the affect foresaid."

Warrant to Sir John Scot of Scotstarvet, Director of Chancery, to accompany the Lords of Council and Session in their journey to his Majesty.

"Forsamekle as the Lords of Privie Counsell and Session have resolved to take journey towards his Majestie for supplicating his Majestie anent the calamitous estat of this kirk and kingdome, and whereas Sir Johne Scot of Scotstarvet, one of the saids Lords of Session, hes represented that, in respect of his publict place of Director of the Chancellarie, he is unwilling to be absent frome his charge in attending his Majesteis service therein without speciall warrant frome the saids Lords, thairfoir the saids Lords declares that the said Sir Johne his absence at this time frome attending of the said charge upon the occasion foresaid sall no wayes be prejudiciall to him, speciallie seing the time of his absence is to be short and that during the time thairof there is no great appearance of dispatche of bussines at that office be reason of not sitting of Exchecker."

Edinburgh, 11th April 1639.

Sederunts, February 1635–November 1643. Fol. 66, a.

Lord Elphinstone to preside at the present meeting of Council.

"Motion being made who sould preside at this meiting, it wes thought fitt that the Lord Elphinstoun as eldest counseller sould preside according to the warrant of the commission of Counsell."

Acta, May 1636–November 1639. Fol. 288, b.

Edinburgh, 10th May 1639.

Sederunt:—Argile; Mar; Perth; Wigton; Galloway; Lauderdaill; Southesk; Naper; Advocate; Treasurer Depute; Sir Robert Gordoun; togidder with the Lords of Session underwrittin, viz., Durie; Innerpeffer; Balcolmie; Foderance; Cranston Riddell; Scotstarvet; Eastbanke.

Fol. 289, a.

John, Earl of Perth, to preside at the present meeting of Council.

"The Lords nominats and appoints Johne, Earle of Perth, to be president at this meiting."

A commission to be sent to the Duke of Hamilton, his Majesty's Commissioner, if his grace be pleased to consent.

"The whilk day the Lords of Secreit Counsell and Session underwrittin ordained ane missive to be writtin and directed to James, Marques of Hamilton, his Majesteis Commissioner, quhilk wes accordinglie done, of the tennor following:—Please your Grace, We of his Majesteis Secreit Counsell and Session being joyntlie conveened in this lamentable estat of kirk and kingdome to consider on some fitt and convenient way for averting the evills hanging over this countrie, quhilks to our great greefe ar too farre advanced, have thought it incumbent to us in our dewteis to acquaint your Grace, who represents his sacred Majestie as his High Commissioner, that our intention is, if your Grace will be pleased to allow of this motion, to appoint some of our number to confer with your Grace concerning this bussines, and to advise with

your Grace if anie faire way can be found out for accommodation of the same. Whairof, if your Grace be pleased to allow, we doe expect to be advertised be your Grace of the time, place, maner and way of thair saife addresse, whereanent, expecting your Grace's answer, we rest, etc. Edinburgh, 10 May, 1639. *Subscribitur*, Argile, Mar, Perth, Wigton, Gallouay, Lauderdaill, Southesk, Naper, S. Thomas Hop, Ja. Carmichael, S. R. Gordon, S. A. Gibsone, S. A. Fletcher, J. Balcomie, S. G. Halyburton, Cranston Riddell, J. Scotstarvet, S. Pa. Nisbet." Acta, May 1636–November 1639. Fol. 289, a.

Edinburgh, 11th May 1639.

Sederunt:—*Ut die prædicto.*

The Duke of Hamilton agrees to receive the Commissioners of the Council aboard the *Rainbow*, now in Leith Roads.

"The whilk day the missive letter underwrittin, direct frome the Marques of Hamilton, his Majesteis Commissioner, to the Lords of Secreit Counsell and Session abonewrittin, wes produced before the saids Lords and read in thair audience, of the whilk the tennor followes:—My Lords, I receaved this morning your Lordships letter, and sall be verie willing to embrace all faire occasions whiche may tend to the accommodation of this unhappie bussines as one who, in all my proceedings both before and since my comming thither, have givin sufficient testimonie thairof. Your Lordships being counsellers and judges aucht to be als carefull of what may concerne his Majesteis honnour as my selfe, so I hope no motion will proceed frome yow that sall tend to the diminution thairof; and if upon Moonday betimes in the morning ane sall come so instructed frome yow aboard of this ship I sall speedilie by thame returne suche ane answer as is fitting for me his Majesteis Commissioner to give. So I rest, etc. *Subscribitur*, Hamilton. Frome aboard 'The Rainebow,' in Leith raid, the xi of May, 1639. Quhilk missive being heard and considderit be the saids Lords, they have nominat and be the tennor heirof nominats David, Earle of Southesk, and Sir Andro Fletcher of Innerpeffer, knight, to goe aboard his Majesteis ship callit The Rainebow, wherein his Majesteis Commissioner is for the present, and there to confer with his Grace anent suche things as may best conduce to the accommodation and settling of the present troubles wherewith this countrie is threatned." Fol. 289, b.

Edinburgh, 13th May 1639.

Sederunt:—Argile; Mar; Perth; Lauderdaill; Naper; Advocate; Treasurer Depute; Sir Robert Gordoun.

Commission from his Majesty for fencing the Parliament.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, and produced and exhibite before the saids Lords ane commission under his Majesteis hand to certane persons nominat therein for fenceing his Majesteis Parliament and continewing the same to the 23 day of July nixt. Quhilk commission being read in presence and audience of the saids Lords, they have ordained and ordains the same to be past his Majesteis quarter seale, and that the Director of the

Acta, May 1636–November 1639.

Fol. 289, b.

Chancellarie caus append the said quarter seale thereunto; and ordains the commissioners nominat be his Majestie in the said commission to conveene upon the 15 day of May instant, whilk is the day whereunto the said Parliament wes proclamed, and to proceed to the fenceing and prorogating of the said Parliament according to the warrant and commission foresaid grantit to thame for that effect. And siclyke ordains the haill counsellers who sall be in this toun for the time to be present and to assist his Majesteis commissioners in the action foresaid."

Sederunt:—Mar; Perth; Gallouay; Lauderdaill; Southesk; Naper; Advocate; Treasurer Depute. Edinburgh, 15th May 1639.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, and Sir James Carmichaell of that Ilke, Deputie Treasurer, and expouned and declared that they and either of thame had severallie dealt and travelled with the noblemen and others for procuring thair warrant and libertie to repaire towards his Majestie, conforme to his Majesteis warrant and command directed to the said Sir Thomas for his addresse to his Majestie with convenient diligence and conforme to the order observed universallie (for the said Sir James who came latelie frome his Majestie, and wes bound and tyed to returne with the report of his diligence in the service committed to him), and that they being diverse times refused in end they both, upon the 13 of May instant, past to the place and meiting of the said nobilitie where they were conveened for the time, and expouned unto thame the necessitie injoynned unto thame for thair addresse unto his Majestie, whilk notwithstanding wes refused. Quhereupon they humbelie desired the Lords of Counsell and Session, who wer joyntlie mett upon the 14 of this instant, to send twa of thair number to the said nobilitie and to intreate thame for libertie of passage, and that the Earle of Mar and Lord Durie, being nominat and appointed for this effect, the said Earle of Mar reported that he and the said Lord Durie, having earnestlie interceeded with the said noblemen for libertie of passage to the said Lord Advocat and Treasurer Deput, they wer notwithstanding still refused, and no libertie nor warrant could be granted unto thame, and upon this thair declaration they asked act."

Report of the Lord Advocate and Treasurer-Depute to the effect that the covenanting nobles have refused them passage to the Court.

Fol. 290, a.

Sederunt:—Treasurer; Privy Seal; Marquis of Huntlie; Winton; Perth; Hadinton; Lauderdaill; Kinnoull; Treasurer Depute; Justice General; Sir James Hamilton. Holyrood House, 1st July 1639.

"Forsamekle as his Majestie hes now givin order for the full settling of the peace of this his Majesteis ancient kingdome, and in the meane time his Majestie, being willing that the Colledge of Justice sould sitt and proceed to the dew administration of justice as his Majesteis subjects

Proclamation to the effect that the Court of Session resume its sittings now

that his Majesty has settled the peace of the kingdom.

sall have occasion to require the same, thairfoir the Lords of Secreit Counsell, according to his Majesteis warrant and direction givin to thame in writt, ordains and appoints all the judges and others members of the Session and Colledge of Justice to conveene and sitt doun upon the 9 day of July instant, and to administer justice to all suche of his Majesteis subjects as sall require the same; and for that effect ordains heralds and pursevants to pas to the mercat croce of Edinburgh and others heid burrowes of this kingdome, and there be opin proclamation to make publication heirof and to warne all and sindrie judges and others members of the Colledge of Justice to conveene and sitt doun upon the 9 day of July instant, and als to make intimation heirof to all his Majesteis lieges who hes or may have anie bussines before the Session, that nane of thame may pretend ignorance of the same. Followes his Majesteis missive for warrant of the Act abonewrittin:—CHARLES R.—Right trusty and weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we have now givin order for the full settling of the peace of that our ancient kingdome, and in the meane time, being willing that our Colledge of Justice doe sitt and proceed to the dew administration of justice as our good subjects sall have occasion to require the same, it is our pleasure (howsoever the time of thair sitting will be short) that yow give order with all diligence unto our Judges thairof to sitt at Edinburgh immediatlie als soone as a competent number may be had, and to that effect that yow caus make suche dew and lawfull warning unto thame and our lieges as the time will permitt, and after suche maner as in the like caises hes beene accustomed or as yow sall find necessarie for the time, for which these presents sall be your warrant. We bid yow farewell. Frome our Court at Beruick, the 29 of June, 1639."

Acta, May 1636–November 1639. Fol. 290, a.

Fol. 290, b.

Order from his Majesty for the suppression of hostilities in the North.

"The whilk day the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes: —CHARLES R.—Right trusty and right weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, and right trusty and belovit counsellers, we greit yow weill. Whereas we wer pleased of late to require our subjects in the North to proceed no further in anie thing tuicheing hostilitie, whiche if our letters have come timelie to thair hands, we doubt not they have obeyed, yitt least anie trouble hath since fallen out or sall happin to fall out of new, we have heirby thought fitt to require yow to give speedie order for the repressing thairof after suche maner as yow sall find to be most necessarie at this time; whiche remitting to your judgements and not doubting of your care, we bid yow farewell. From our Court at Beruick, 29 Junij, 1639."

Charge to sheriffs and others to make preparation for his Majesty's

"Forsamekle as amongs the manie preparations quhilks must be tymouslie foreseene and in readines aganis the time of his Majesteis comming to this kingdome, that of his Majesteis carrage is not the least,

Acta, May 1636-November 1639.

Fol. 291, a.

but doeth als neerelie concerne his Majesteis honnour and service and credit of the countrie as anie other service that will occurre in all his Majesteis progresse throughout this countrie; and whereas this service cannot be done but be the helpe of the inhabitants of the shirefdomes through quhilks his Majesteis progresse will ly and of the most adjacent parts, as wes done the time of his Majesteis last comming to this kingdome, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the shireffs of Beruick and Roxburgh for the east part of Teviotdaill, and baillie of Lauderdaill, the shireffs of Hadinton, Linlithgow and Edinburgh and Stewart of Dalkeith and thair deputs, and the conveenners of the justices of peace within the saids bounds, that they and everie ane of thame, in thair awne offices respective, conveene the barons and landed gentlemen within thair bounds with all convenient diligence, and at thair meeting that they resolve and conclude upon some certane solide and sure course how his Majesteis carrage may be caried through thair bounds upon his Majesteis charges and expenses. And for this effect that they make a particular distribution of the saids shirefdomes in parishes, appointing some of thair number for everie parish to try what number of carts and hors for carrage everie parish may furnishe, and that they appoint a constable for everie parish who sall be answerable that the carts and hors for carrage designed to everie parish sall be in readines for his Majesteis service as they sall be directed and adverteist, and siclyke that they nominat and appoint twa other constables for everie shire who sall have the charge to advertise the constables of the parish to have the carts and horses for carrage in readines at the times to be appointed, and lykewayes that they appoint twa constables for eache shirefdome who sall be answerable to the maister of his Majesteis carrage that they sall caus the other constables appointed in everie parish have the horses and carts for carrage designed to the parish in readines to come and lift his Majesteis carrage at suche times and places as they sall be commanded thereto be the maister of the carrage, under the pane of rebellion, etc., with certification, etc."

journey from Berwick to Edinburgh.

" Forsamekle as the Kings Majestie is resolved, God willing, to honnour this his ancient kingdome with his royall presence, and whereas there will be a number of occasions daylie interveening concerning his Majesteis contented reception heir for the honnour and credit of the countrie which will require the daylie sitting of some of the Counsell and

Fol. 291, b.

may not abide the ordinar meitings of a full number thereof, and the Lords of Secreit Counsell being carefull to foresee all things quhilke may advance the tymous dispatch and orderlie disposing and provyding of all things concerning this important mater, thairfoir the saids Lords hes givin and grantit and be the tennor heirof gives and grants full power and commission to Johne, Earle of Traquair, Lord High Treasurer of this Kingdome, Archibald, Lord Naper, Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, Sir Williame Elphinstoun, knight, Cheefe Justice, Sir James Carmichaell of that Ilke, Deputie Treasurer,

Appointment of a committee to superintend the preparations for his Majesty's visit.

and Sir Johne Hamiltoun of Orbeston, Justice Clerk, or anie three of thame with the said Treasurer or Deputie Treasurer, to conveene and meit in his Majesteis Excheker so oft as they sall thinke expedient, and to begin the morne the secund of July instant at nyne of the clocke in the forenoone, and to confer, advise, conclude, consult and determine upon all and everie thing fitting and requisite to be prepared and provided aganis his Majesteis heir comming, and to give directions thereanent be missives or other wayes as they sall thinke good; firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin." Acta, May 1636–November 1639. Fol. 291, b.

Warrant for the protection of the Marquis of Huntly from his creditors.

"Anent the supplication presentit to the Lords of Secreit Counsell be George, Marques of Huntlie, makand mention that quhair it hes pleased the Kings Majestie upon diverse good considerations to pas and exped unto him ane warrant under his royall hand to be untroubled, arrested or warded for anie debts or soumes of money dew be him as principall or cautioner, as the said warrant more fullie proports; and whereas the Director of the Chancellarie and Keeper of the Great Seale ar both absent, so as the said Marques cannot gett his warrant orderlie exped, he is thereby like to be frustrat and prejudged of his Majesteis gracious favour shawin to him, and his creditors lykewayes will be prejudged and hindered of all satisfaction, quhairof he is most solist and carefull and in short time would give thame all contentment if he be not interrupted and hindered be the rigour of some few of his creditors, who upon sinistrous feare and others privat respects of thair awne intends to make thair benefite of the not expeding of the said Marques his warrant through the Chancellarie and great seales, and so unnecessarlie to trouble the said Marques to thair owne hinder and prejudice; humbelie desyring thairfoir the saids Lords to grant unto him ane warrant to be untroubled, arrested or warded till he get this warrant past and exped the great seale, lykeas at mair lenth is conteanned in the said supplication. Quhilk being read, heard and consideritt be the saids Lords, and they having lykewayes seene and consideritt the warrant grantit be his Majestie to the said Marques in the maner abonewrittin, and finding his desire to be reasonable, thairfoir the saids Lords discharges all shireffs, stewarts, provests, and bailleis with burgh and all others judges, officers and ministers of his Majesteis lawes to burgh and land and thair deputs, and als all messengers of armes of all taking, apprehending, warding or arresting of the said Marques for anie debts or soumes of money dew be him as principall or cautioner untill the last day of July instant, discharging thame thairof and of thair offices in that part, to the intent that in this meane time the said Marques may gett the warrant foresaid grantit be his Majestie to him past and exped." Fol. 292, a.

Proclamation summoning archbishops, bishops, commissioners of kirks, and

"Forsameikle as the Kings most sacred Majestie, by his gracious proclamation latelie published of the date the 18th of Junij last, hes beene pleased out of his pious and religious disposition to the trew religion, and out of his fatherlie care for removeing all feares and doubts quhilks may

Acts, May 1636–November 1639.
Fol. 292, a.

arryse in the mynds of his subjects, and upon diverse great and weightie considerations importing the glorie of God, the peace of the Kirk and commonweele of this kingdome, to appoynt and give order that a General Assemblie be indicted, kept and haldin in the cite of Edinburgh upon the tuelff day of August nixtocome with continowation of dayes, thairfoir the Lords of Secreit Counsell, according to his Majesteis warrand and direction given to thame in writ, ordans letters to be direct chargeing his Majesteis heraulds to pas and make publication heirof be opin proclamation at the mercat croce of Edinburgh and others places neidful, and to warne all and sundrie archbishops, bishops, commissioners of kirks and others haveing place and voice in the Assemblie to repaire and addresse thamselves to the said citie of Edinburgh the said tuelff day of August nixtocome, and to attend the said Assemblie dureing the tyme thairof and ay and whil the same be dissolved, and to doe and performe all quhilk to thair charge in sic caises apperteanes, as they will answer on the contrare at thair perrell. Followis his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weilbeloved cousen and counseller, right trustie and weilbeloved cousins and counsellers, right trustie and trustie and beloved counsellers, wee greet yow weel. Haveing by our declaration of the date the 18th of this moneth signified our pleasure for holding a General Assemblie at Edinburgh, where wee intend to be (God willing) present in person, it is our pleasure that yow indict the said Assemblie to be halden the tuelff day of August nixt in the place aforesaid, causeing warne to that purpose all archbishops, bishops, commissioners of kirks and others haveing place and voice in the Assemblie according to the proclamation made for the indiction of the late pretendit General Assemblie at Glasgow, for whiche these presents salbe your warrand. Wee bid yow fareweele. Frome our Court at Berwick, the 29th of June, 1639."

Fol. 292, b.

others, who have a legal right to be present, to attend the meeting of the General Assembly on the 12th of August, at which his Majesty intends to be present.

Sederunt:—Treasurer; Privy Seale; Perth; Hadinton; Lauderdaill; Treasurer Depute; Sir James Hamilton.

Holyrood House, 4th July 1639.

"Forsamekle as the King's Majestie is mynded, God willing, to honnour this his ancient kingdome with his royall presence in this instant moneth of July, and it being verie necessar and most expedient for the honnour and credite of the said kingdome, and for his Majesteis more contented reception heir, that tymous provision be made and foreseene of all suche things as may accommodat his Majesteis tryne, court and followers, his Majestie hes thairfoir directed and sent before him Peter Watsone, gentleman, harbenger, Nicolas Widkell, Thomas Brewerton, Tarleis, Thomas Cresley and Philip Phips to provide, designe and marke loodgings, houses and stables for all his Majesteis tryne and followers throughout all the parts of this kingdome where his Majesteis progresse sall ly, and it is necessar that the persons foresaids, his Majesteis harbengers, thair officers and deputs be acknowledged in all and everie

Charge to his Majesty's lieges throughout the kingdom to obey his Majesty's harbingers who are to prepare for his progress.

thing concerning thair charge, and that no opposition be made unto thame; for quhilk purpose ordains letters to be direct charging all his Majesteis lieges and subjects whome these presents doe or may concerne to reverence, acknowledge and obey the saids gentlemen harbengers and thair servants and deputs in all things belonging to thair office and charge, and for this effect to make thair houses and stables patent to thame, and to suffer thame to designe and marke the same to suche of his Majesteis tryne and followers as they sall appoint; and that they receave in thair houses the persons to be allotted and directed to thame and in no wayes presoome after the marking of thair houses to receave anie other therein but suche as sall be allowed and allotted to thame; and if anie person or persons sall or darre presoome to withstand the directions of the saids harbengers in anie point concerning thair charge, to charge all magistrats to burgh and land and als all landslords within whois bounds the dissobedient persons dwells to apprehend thair persons and committ thame to waird till direction be givin for thair further punishment, as the saids magistrats and landslords will answer on the contrare at thair perrell." Acta, May 1636–November 1639. Fol. 292, b.

Edinburgh, 23rd July 1639.

Sederunt:—Earle Mairshell; Lord Naper; Justice General; Advocate; Justice Clerk. Fol. 293, a.

Assembling of Parliament postponed from July 23rd to August 26th.

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane Lord, produced before the Lords of Privie Counsell the missive letter underwrittin signed be the King's Majestie and direct to the saids Lords, of the quhilk the tennor followes:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, right trusty and trustie and weilbelovit counsellers, we greit yow weill. Whereas our pleasure wes signified for indicting of ane Parliament to be haldin at Edinburgh, the 23 of July instant, whiche now for good considerations knowne to us and other necessary occasions interveening cannot be so convenientlie keeped, we have thairfoir of new beene pleased to signe a commission for prorogation of the said high court of Parliament untill the 26 day of August nixt ensewing. It is our pleasure that yow see the said commission performed by causing the said court to be dewlie fenced and publication made for prorogating of the said parliament till the said 26 of August nixt, and that yow doe what further sall be thought necessarie tuicheing this purpose as in the like caises hes beene accustomed; for whiche these presents sall be your warrant. We bid yow farewell. Frome our Court at Bervick, the 22 of July, 1639.

Holyrood House, 8th August 1639.

Sederunt:—Treasurer; Huntlie; Argile; Mar; Airth; Winton; Wigton; Annandaill; Lauderdaill; Kinnoull; Dumfreis; Southesk;

Acts, May 1636–November 1639.

Elphinstoun; Naper; Dalyell; Justice General; Advocate; Treasurer Depute; Justice Clerk; Blakhall.

Fol. 293, a.

William, Ear of Airth, admitted into the Council.

"Forasamekle as the King's Majestie wes pleased by his letter direct to the Lords of his Privie Counsell to enlarge William, Earle of Airth,[1] from his confynement, as ane act made to this effect beirs, his Majestie hes lykewayes beene graciouslie pleased by another letter direct to the saids Lords to give command and warrant that the said Earle be admitted heerafter to all the meitings of the Counsell as one of the number thairof. In humble and dewtifull obedience of quhilk letter the saids Lords hes receaved and admitted and be the tennor heirof receaves and admitts the said Earle of Airth to be present at all the meetings and consultations of the Privy Counsell as one of the ordinar members thairof. Lykeas the said Earle, being personallie present and acknowledging this his Majesteis gracious favour shawin to him, he with all dew reverence accepted the place and charge upon him. Followes his Majesteis missive for warrant of the act abovewritten.—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, and right trusty and trusty and belovit counsellers, we greit yow weill. Whereas we wer pleased by a former letter to yow to caus enlarge our right trustie and weilbelovit cousine and counseller, the Earle of Airth, frome confynement, quhairupon ane act of Counsell wes made, it is our expresse pleasure and command that yow now call for him and admitt him heerafter to all your meitings and consultations of our Privie Counsell as one of your number, causing ane act thairof to be made heerupon; for both whiche these presents sall be your warrant. We bid yow farewell. From our Court at Beruick, 24 June, 1639."

Fol. 293, b.

Charge to Sir Donald Gorme of Sleat and other chiefs of the Islands to appear before the Council by the 7th of November.

"Forsamekle as Sir Donnald Gorme of Slait, Sir Lauchlane McLaine of Dowart, Johne McLeud of Dynvegane, Johne McRannald of Moydert, McLaine of Coill, McNeill of Bara, McKynnon of that ilk and Hector McLaine of Lochbuy, being putt under caution for great soumes of money for thair personall appearance before the Lords of Privie Counsel upon the tenth day of July yeerelie to have underlyne suche order as fra yeere to yeere sould have beene injoynned to thame tuicheing the peace and quyetnes of the Yles, they, upon some privat respects of thair owne, and without warrant frome his Majesteis Counsell, neglected thair compeirance this yeere, and thereby hes givin verie evill example to the rest of the Ylanders to breake louse and to renew thair former disorders within the Yles, quhilks by his Majesteis prudent governement wer suppressed; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the Ylanders particularie abonewrittin to compeir personallie before the Lords of Privie Counsel upon the 7 day of November nixt to answer upoun thair proud neglect of the dyet of thair compeirance this yeere and to underly suche order

[1] Regarding the Earl of Airth and his former deprivation of all his public offices, see Index to Vol. V., Sec. Ser., *s.v.* Airth, Earl of.

as sall be tane thereanent, under the pane of rebellion, etc., with certification, etc. And the Lords of Secreit Counsell ordains intimation to be made to the agents of the saids Ylanders that if they or anie of thame compeir before the saids Lords at anie time before the dyet foresaid that they sall be fred of thair compeirance upon the said sevint day of November. Followes his Majesteis missive for warrant of the act abone-writtin :—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, right trusty and trustie and weilbelovit counsellers, we greit yow weill. Whereas the danger and inconvenients arising by these late troubles being likelie to spread in the remote parts and Yles of that our kingdome and to disquyet the peace of our good subjects there, we for the more timelie preventing thairof have thought it necessarie at this time (howsoever the cheefe of clannes and Ylanders are bound to compeir before yow yeerelie) that they be now particularlie cited, thairfoir it is our pleasure that with all diligence yow charge in suche forme as yow sall find to be most necessarie the persons whois names ar mentiouned in this enclosed list, with suche others as yow sall thinke neidfull at this time, to appeare the sixt of August nixt before us or yow at Edinburgh or where we sall happin to be for the time within the said kingdome, under suche panes as yow sall thinke fitt to prescribe. We bid yow farewell. Frome our Court at Beruick, the 15 of July 1639." Acta, May 1636–November 1639. Fol. 293, b. Fol. 294, a.

Next meeting of Council.

"Appoints the nixt meiting to be the morne at twa afternoone." Sederunts, February 1635–November 1643. Fol. 67, b.

Holyrood House, 9th August 1639.

Sederunt:—Treasurer; Privy Seal; Huntlie; Argile; Mar; Winton; Perth; Wigton; Tullibardin; Annandaill; Lauderdaill; Kinnoull; Southesk; Naper; Dallyell; Advocate; Treasurer Depute; Justice General; Justice Clerk; Blakhall. Acta, May 1635–November 1639. Fol. 294, a.

Order to the sheriff and magistrates of Wigtown and others to apprehend Thomas M'Kie, who has returned from banishment contrary to his sentence.

"Forsamekle as Thomas McKie wes be act of adjournall in a Justice Court haldin at Edinburgh upon the day of ordained to be banished the kingdome and that he returne not agane within the same under the panes conteanned in the said act, notwithstanding the Lords of Secreit Counsell ar certanelie informed that the said Thomas hes presumptuouslie returned to this countrie agane without warrant, and daylie goes avowedlie to kirk and mercat in high and proud contempt of his Majesteis auctoritie and lawes; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the shireff of Wigtoun and the provest and bailleis of Wigtoun and all others judges and magistrats, in whois bounds the said Thomas McKie sall reside, to pas, searche, seeke and take the said Thomas McKie where ever he may be apprehended and to enter and committ him in the jayle nixt to the place where he sall be takin and to keepe him fast therein till order be givin be his Majesteis Counsell concerning him. And for this effect that they advertise the saids Lords how soon he sall be apprehended, as Fol. 294, b.

Acta, May 1636–November 1639.

they and everie ane of thame will answer upon the dewtifull discharge of thair offices at thair highest charge and perrell."

Fol. 294, b.

"Forsamekle as the Lords of Secreit Counsell ar informed that there is some appearance of trouble like to fall out betuix Mr Williame Ker, brother to Johne Ker of Lochtour, and Andro Ker, brother to Robert Ker of Graden, upon occasion of ane cartall and challenge to the combat direct frome the said Mr Williame to the said Andro aganis the lawes and acts of parliament, quhairupon greater inconvenients ar likelie to ensew without remeid be provydit, thairfoir the saids Lords ordains letters to be direct charging both the saids parteis to compeir personallie before his Majesteis Counsell upon the 13 day of August instant to underly suche order as sall be tane anent this mater under the pane of rebellion, etc., with certificatioun, etc.; and in the meanetime to command, charge and inhibite both the saids parteis that nane of thame presoome nor take upon hand to invade, trouble or molest one another or to keepe the said combat either of thame under the pane of ane thowsand punds, and farther under the pane to be severelie punished in thair persons and goods conforme to the lawes of the countrie provided in that behalfe; certifeing thame that does in the contrare that the said pane sall be execute upon thame without favour, and they sall be decerned to have incurred the soumes particularlie abonewrittin and letters sall be direct for payment thairof in forme as effeirs."

Charge to Mr. William Ker, brother to John Ker of Lochtour, and Andrew Ker, brother to Robert Ker of Graden, who are at feud, to appear before the Council, and meantime to keep the peace.

Sederunt:—Treasurer; Privy Seal; Huntlie; Argile; Mar; Winton; Perth; Wigton; Kingorne; Tullibardin; Annandaill; Hadinton; Lauderdaill; Kinnoull; Southesk; Dalyell; Advocate; Treasurer Depute; Justice; Justice Clerk; Blakhall.

Holyrood House, 10th August 1639.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes: —CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, and right trustie and right weilbelovit counsellers, we greit yow weill. Whereas we did formerlie by our commission under the great seale of that our kingdome nominat and appoint our right trustie and right weilbelovit

Fol. 295, a.

cousine and counseller, James, Marques of Hamilton, our High Commissioner, in the executing of whiche place (as you have oft expressed unto us) we have found his singulare fidelitie and zeale to our service, and at this present his attendance upon our person being necessarie, we have thought good to nominat and appoint our trustie and weilbelovit cousine and counseller, the Earle of Traquair, our Treasurer, to be our Commissioner in this nixt ensewing Assemblie and Parliament, quhairof we will yow to take speciall notice and not onelie to attend at the said Assemblie and Parliament but to concurre and assist our said Commissioner in everie thing may concerne our service as he sall require

The Earl of Traquair appointed royal Commissioner in place of the Marquis of Hamilton.

yow or communicat with yow frome time to time. So we bid yow fare-well. Frome our Court at Whitehall, the sixt day of August, 1639. Acta, May 1636–November 1639. Whiche missive being read, heard and considderit be the saids Lords and Fol. 295, a. they acknowledging his Majesteis singular wisdome in the choice of the said Lord Treasurer to be his Majesteis Commissioner at the ensewing Parliament and Assemblie, they in all humble obedience promeist to attend at the said Assemblie and Parliament and to concurre with the said Lord Commissioners Grace in everie thing conforme to his Majesteis said letter; and ordained ane missive to be writtin to his Majestie heareanent of the tenor following:—Most sacred soverane, In obedience of your Majesteis command, signified to us by the Lord Treasurer, we did conveene heir on Thursday last, the eight of this instant, expecting since your Majesteis gracious pleasure quhilk this day wes represented unto ws by your Majesteis letter of the date, the sixt of August instant; and whereas your Majestie hes beene pleased, in place of the Marques of Hamilton, last Commissioner, and in respect of his necessar attendance upon your Majesteis person there, to nominat and appoint the Lord Treasurer to be your Majesteis Commissioner in the ensewing Assemblie and Parliament, we doe humblie acknowledge your Majesteis singular wisdome therein, and in the choice of the person who, in respect of his former notice, care and vigilancie in all the proceedings of this publict bussines and of his awne abiliteis to performe and fidelitie to approve himselfe in this service worthie of your Majesteis choice, is in all our opinions a most fitt person for so great ane imployment; and we all, as becommeth us, sall not onlie attend at the said Assemblie and Parliament with our humble and best affections, but also sall concurre and Fol. 295, b. assist your Majesteis Commissioner in everie thing that sall concerne your Majesteis service as he sall require us or communicat the same to us from time to time. And so praying God, etc. Halyrudhous, 10 August, 1639. *Subscribitur*, Roxburgh, Huntlie, Argile, Mar, Winton, Perth, Wigton, Kingorne, Tullibardin, Hadinton, Annandaill, Lauderdaill, Kinnoull, Southesk, Dalyell, Advocat, Treasurer Deput, Justice, Justice Clerk, Blakhall."

Holyrood House, 12th August, 1639.

Sederunt ut die prædicto (except Winton) together with Naper.

The Earl of Traquair presents his commission appointing him Royal Commissioner.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne, Earle of Traquair, Lord High Treasurer of this kingdome, and produced and exhibite before the saids Lords ane commission granted be our soverane lord to the said Lord Treasurer, with the quhilk his Majestie hes nominat him to be High Commissioner for his Majestie at the ensewing Assemblie and Parliament, as in the said commission past his Majesteis hand upon the day of August instant and sealed upon the day of the same moneth at lenth is conteanned; quhilk commission being read in the presence and hearing of the saidis Lords and they being weill advised therewith, they all in one voice with

Acta, May 1636–November 1639. Fol. 295, b.

all dewtifull respect acknowledged the choice made be his Majestie of the said Lord Treasurer for so great ane imployment, as a person most fitt for the same in regard of his former notice, care and vigilancie in all the proceedings of the public bussines and of his awne abiliteis to performe and fidelitie to approve himselfe in this service worthie of his Majesteis choice; Lykeas the said Lord Treasurer, with all submissive reverence, accepted the said commission upon him and promeist to doe his best endeavoures therein for his Majesteis honnour and the peace and quyet of this his Majesteis ancient kingdome."[1]

Sederunts, February 1635–November 1643. Fol. 68, a.

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mar; Airth; Perth; Wigtoun; Kingorne; Tullibardin; Hadinton; Annandaill; Lauderdaill; Kinnoull; Southesk; Elphinstoun; Naper; Advocate; Treasurer Depute; Justice; Justice Clerk; Blakhall. Edinburgh, 13th August 1639.

"The Lords ordains thair nixt meeting to be at Edinburgh on Thursday in the afternoone, and continewis all actions depending before the Counsell till that dyet." Next meeting of Council.

Acta, May 1636–November 1639. Fol. 295, b.

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mar; Airth; Perth; Wigton; Kingorne; Tullibardin; Hadinton; Annandaill; Lauderdaill; Southesk; Kinnoull; Elphinston; Naper; Dalzell; Advocate; Treasurer Depute; Justice General; Justice Clerk; Blakhall. Edinburgh, 15th August 1639.

"Anent our soverane Lords letters direct makand mention forsamekle as the Lords of Privie Counsell ar informed that there is some appearance of trouble like to fall out betuix Mr Williame Ker, brother to Johne Ker of Lochtour, and Androw Ker, brother to Robert Ker of Graden, upon occasion of ane cartall and challenge to the combat direct frome the said Mr Williame to the said Androw aganis his Majesteis expresse acts of parliament, quhairupon greater inconveniences ar likelie to ensew without remeid be provydit; and anent the charge givin to the saids Mr Williame and Andro Kers to have compeired personallie before the Lords of Privie Counsell at a certane day bygane bringand with thame the said challenge and cartall to have beene seene and consideritt be the saids Lords and to have underlyne suche order as sould be tane thereanent for the peace of the countrie, under the pane of rebellion and putting of thame to the horne, with certification, &c., lykeas at mair lenth is conteanned in the saids letters, executions and indorsations thairof: Quhilks being callit and the said Andro Ker compeirand personallie and the said Mr Williame Ker being oftymes callit and not compeirand, the Lords of Secreit Counsell ordains letters to be direct Mr. William Ker put to the horn. See *ante*, p. 127.
Fol. 296, a.

[1] In the Sederunts it is added that hereupon "the Advocate asked instruments."

charging officers of armes to pas and denunce the said Mr Williame Ker our soverane lords rebell and putt him to the horne and to escheit, etc." Acta, May 1636–November 1639. Fol. 296, a.

Holyrood House, 17th August 1639.

Sederunt:—Commissioner; Privy Seal; Airth; Perth; Southesk; Advocate; Justice Clerk; Blakhall. Sederunts, February 1635–November 1643. Fol. 68, a.

[No record of business.]

Holyrood House, 20th August 1639.

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mar; Airth; Linlithgow; Perth; Wigton; Kingorne; Tullibardin; Hadinton; Lauderdaill; Kinnoull; Southesk; Naper; Dalyell; Advocate; Treasurer Depute; Justice General; Justice Clerk; Blakhall. Acta, May 1636–November 1639. Fol. 296, a.

Persons intending to present petitions to the ensuing Parliament to lodge their petitions with the Depute or the Clerk Register before Parliament meets.

"Forsamekle as the Kings Majestie hes appointed his soverane court of Parliament of this kingdome to be haldin at the burgh of Edinburgh the 26 of this instant with continewation of dayes, wherein his Majestie will be most willing to give all his subjects content, ather be generall lawes or particular acts, quhilk being rypelie advised sall be found expedient to be past; but whereas experience in bypast parliaments is yitt recent how diverse persons, partlie be ignorance and partlie be fraud, ar accustomed presooming upon the short sitting of the Parliament to give in manie bills or articles conteaning maters prejudiciall ather to his Majesteis crowne or to his subjects, whilk the shortnes of time or multitude of bussines permitteth not to be so narrowlie examined as need wer, thairfoir his Majestie ordains that all suche persons as intends to give in anie articles or petitions to this approacheing parliament sall give in and deliver the same to Mr William Hay, Deput, speciallie constitute for that effect, to the Clerk Register during his absence, who is ordained to attend the recept thairof within his Majesteis Excheker daylie untill the Parliament sitt doun betuix ten and twelffe houres in the forenoone and three and fyve houres in the afternoone, and the first dyet to be the morne at three houres, to be presented be him to the Commissioners Grace and Lords of Privie Counsell to the effect that things reasonable and necessarie may be formallie made and presented in a booke to the Lords of the Articles in the Parliament time, and that all impertinent, frivolous and improper maters may be rejected, and that no article or supplication wanting a speciall title undersubscribed be the presenter sall be read or answered in Parliament except suche as sall be givin in be his Majestie or his Commissioner under thair hand and sall be thought good be thame for the commounweale of the kingdome; and ordains publication to be made heirof, etc." Fol. 296, b.

Edinburgh, 30th August 1639.

Sederunt:—Commissioner; Privy Seal; Huntlye; Argyl; Mairshell; Mar; Airthe; Lithgow; Perthe; Wigtoun; Kingorne; Tullibardin; Hadinton; Galloway; Seafort; Annandail; Lauder- Acta, May 1636–November 1639. Fol. 296, b.

Acts, May 1636–November 1639.
Fol. 296, b.

dail; Kimnoul; Southesk; Elphinstoun; Dalyell; Advocate Justice; Justice Clerk; Treasurer Depute; Sir Robert Gordon; Blackhal.

"The whilk day in presence of the Lord Commissioner and Lords of Privie Counsell compeired personallie Johne, Earle of Rothes, James, Earle of Montrose, Johne, Lord Loudoun, Sir George Stirline of Keir, Sir William Douglas of Cavers, Sir Harie Wood of Bonyton, Johne Smith, burges of Edinburgh, Mr Robert Barclay, Provest of Irving, Mr Alexander Henderson, minister at Edinburgh, and Mr Archibald Johnestoun, clerke to the General Assemblie, and in name of the present sitting General Assemblie gave in to the saids Lords the petition underwritten, quhairof the tenor followis:—Wee, the Generall Assemblie, considering with all humble and thankfull acknowledgment the manie recent favors bestowed on us by his Majestie, and that there rested nothing for crowneing his Majesties incomparable goodnes toward us, bot that all the members of this kirk and kingdome might be joyned in one and the same confession of faith with God, with the Kings Majestie and among ourselves, and conceaveing the maine lett and impediment to this so good a worke and so muche wished be all to have beene the informations made to his Majestie of our intentions to shaike of civill and dutiful obedience dew to soveranitie and to diminish the Kings greatnes and auctoritie, and being most willing and desirous to remove this and all suche impediments whiche may hinder and imped so full and perfyte ane union and for cleireing of our loyaltie, wee in our name, and in name of all the rest of the subjects and congregations whome wee represent doe now in all humilitie represent to your Grace, his Majesties Commissioner, and to the Lords of his Majesties honorable Privie Counsell, and declare before God and the world that wee never had nor have anie thought of withdrawing our selves frome that humble and dutifull subjection and obedience to his Majestie and his governement whiche by the descent and under the raigne of ane hundreth and seven kings is most cheirfullie acknowledgit by us and our predicessors, and that wee never had nor have anie intention or desyr to attempt anie thing that may tend to the dishonor of God or diminition of the Kings greatnes and auctoritie; bot, on the contrare, acknawledgeing our quietnes, stabilitie and happines to depend upon the saiftie of the Kings Majesties person and maintenance of his greatnes and royall auctoritie as Gods vicegerent sett over us for maintenance of religion and ministration of justice, wee have solemnelie suorne and doe suear, not onelie our mutual concurrence and assistance for the caus of religion, and to the uttermost of our power, with our meanes and lyves to stand to the defence of our dread soverane, his person and auctorite, in the preservation and defence of the said true religion, liberties and lawis of this kirk and kingdome, bot also in everie thing whiche may concerne his Majesties honor sall, according to the lawis of this kingdome and dutie of good subjects,

Fol. 297, a.

Petition by John, Earl of Rothes, James, Earl of Montrose, and others, in name of the Generall Assembly, that the Covenant be subscribed by all the lieges. —Granted.[1]

[1] In the Sederunts there is the following:—"*Nota.* Upon the 21 of November thairafter the Lord Commissioner called for the principall Act concerning the Covenant, bot hes not yet redelyvered the same quhilk he declared before Lauderdail and Justice Clerk."

concurre with our freinds and followers in quiet maner or in armes as wee salbe requyred of his Majestie, his Counsel, or anie haveing his auctorite. And, thairfore, being most desyrous to cleir our selves of all imputation of this kynd, following the laudable example of our predicessors *in anno* 1589, doe most humble supplicat your Grace, his Majesties Commissioner, and the Lords of his Majesties most honourable Privie Counsel to enjoyne be act of Counsel that the Confession and Covenant, whiche as a testimonie of our fidelitie to God and loyaltie to our King, wee have subscryved, be subscryved be all his Majesties subjects of what ranke and qualitie soever, in tyme coming. Quhilk being red, hard and considerit be the said Lord Commissioner and Lords of Privie Counsell, they have ordanit and ordans the samen to be insert and registrat in the books of Privie Counsell, and according to the desyre thairof ordans the said Confession and Covenant to be subscryved in tyme comeing be all his Majesties subjects of this kingdome of what ranke and qualitie soever,"

Acta, May 1636–November 1639. Fol. 297, a.

The Commissioner's declarations.

"And siclyke, the forsaid day, the Lord Commissioner desyred of the Lords of Privie Counsell that the severall declaratiouns made and emitted be him in the Generall Assemblie might be insert and registrat in the books of Privie Counsel, thairin to remaine *ad futuram rei memoriam*, quhilk desyre the saids Lordis fand reasonable, and have ordanit and ordans the saids declaratiouns to be insert and registrat in the books of Privie Counsell, quhairof the tenor followis:—I Johne, Earle of Traquaire, his Majesties Commissioner in this present Assemblie, doe in his Majesties name declare that, notwithstanding of his Majesties awne inclination and manie other grave and weightie reasons moveing him, yit suche is his incomparable goodnes towards his subjects of this kingdome, that for giveing satisfaction to his people and for quieting of the present distractions, he doth consent that the fyve articles of Perth, the governement of the kirk by bishops, [and] civil places and power of kirkmen, be declared unlawfull within this kirk as contrare to the constitutions therof."

Fol. 297, b.

13th August 1641.

Delete at command and in presence of the Estates of Parliament.

Burghley, I.P.D. Parl.[1]

[1 This Act is all scored through and through and that evidently in terms of this marginal note.]

"And I doe alwayes heirby declare that the practise of the premises prohibit within this kirk and kingdome sall neither bind nor inferre censure agains the practisers outwith the kingdome; and farder I declare that the word occasional in the end of the act of the date the 17th of this instant wes not in the draught agreed upon with me in presence of the Counsel, bot wes therafter addit in the Assemblie without my knowledge or consent. Farther I declare whatever is allowed be me in this Assemblie is meirlie and onelie as ane act of this Assemblie without anie respect or relation quhatsomever to the last pretendit Assemblie at Glasgow. And becaus that manie things have occurred in this present Assemblie whiche may concerne patronages, belonging either to the Crowne, bishopriks or others his Majesties good subjects, as also by findeing civill places and power of kirkmen unlawfull his Majestie may be prejudgit in Parliament, and least heirby or by anie other act, civill

Acta, May 1636–November 1639. Fol. 297, b.

power and authoritie may be wronged by my weakness or not tymelie animadverting therto, I declare and protest, that his Majestie may be hard for redresse in its awne tyme and place."

"And I declare lykewayes that whatever commission and commissions are direct frome this Assemblie whiche may import or occasion anie other meitings or conventions of the subjects than the ordinarie meitings of kirk sessions, presbiteries, synods and suche as are allowed be the lawis of this kingdome, that the same is null and of no effect and altogidder disassented to by me."

Warrant for the apprehension of Mr. William Ker for contempt of horning.

"Forsamekle as Mr William Ker, brother to Johne Ker of Lochtour, having latelie cartalled Andro Ker, brother to Robert Ker of Graden, and challenged him to the combat, and being thereupon conveenned before the Lords of Privie Counsell, and to have underlyne some course for observing his Majesteis peace, he refused to give his appearance and wes for that caus upon the 23 of this instant orderlie denunced his Majesteis rebell and putt to the horne, as the letters of horning dewlie execute, indorsat and registrat aganis him, showin to the saids Lords beirs; at the processe quhairof the said Mr William still continewes, resolving at his best opportunitie to invade the said Androw and so violat his Majesteis peace, in proud contempt of his Majesteis auctoritie, without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging all and sindrie shireffs, stewarts, bailleis, of regalities and thair deputs, provests and bailleis of burrowes, and all others judges, officers and magistrats to burgh and land, and als all messengers of armes, everie ane of thame within thair awne bounds and jurisdictions, to pas, searche, seeke and take the said Mr Williame Ker where ever he may be apprehended, and to keepe and deteane him in sure firmance and captivitie till he be orderlie fred and releeved, within three dayes after the charge, under the pane of rebellion and putting of thame to the horne, with certification to thame, and they faillie, letters sall be direct charging thame *simpliciter* to the effect foresaid; becaus the saids Lords hes seene the letters of horning abonewrittin dewlie execute, indorsat and registrat aganis him."

See *ante*, p. 129.

Fol. 298, a.

Sederunts, February 1635–November 1643. Fol. 68, b.

Sederunt: — Airth; Lithgow; Perth; Tullibardin; Kingorne; Galloway; Annandail; Elphinston; Sir Robert Gordon; Blackhall.

Edinburgh, 13th September 1639.

"The Lord Elphinstoun, as eldest counseller, wes nominat to presid."

Lord Elphinstone to preside.

Eodem die, post meridiem.

Sederunt:—Commissioner; Privy Seal; Huntly; Argyl; Mairshel; Mar; Airth; Perth; Wigtoun; Kingorne; Tullibardin; Galloway; Seafort; Annandail; Lauderdail; Kinnoul; Southesk;

Elphinston; Dalyel; Advocate; Treasurer Depute; Justice Clerk; Sir Robert Gordon; Blackhall. Sederunts, February 1635-November 1648. Fol. 68, b.

[No record of business.]

Edinburgh, 14th September 1639.

Sederunt ut die predicto, post meridiem.

[No record of business.]

Holyrood House, 20th September 1639.

Sederunt:—Commissioner; Privy Seal; Huntlie; Mar; Linlithgow; Perth; Wigton; Tullibardin; Hadinton; Galloway; Lauderdaill; Advocate; Treasurer Depute; Justice Clerk; Blakhall. Acta, May 1636-November 1639. Fol. 298, a.

Existing sheriffs to continue in their offices for another year.

"Forsamekle as the Lord Commissioner and Lords of Privie Counsell, understanding the prejudice quhilk is like to ensew to his Majesteis service throw the not timelie election of the shireffs, of whome his Majestie hes the nomination, for the yeere to come, and als seing these who wer shireffs this last yeere have not as yitt cleered thair compts anent the ingaddering of his Majesteis taxations and imbringing of the annuiteis to his Majesteis Exchecker, nor performed suche other things as is incumbent to thair charge, thairfoir the saids Lords hes thought meit and expedient, concluded and ordained that the saids shireffs who ar presentlie in office and who have served this yeere bygane be continewed in thair offices for the yeere to come, ordaining and commanding thame to use and exerce thair said office in all the liberteis and priviledges thairof siclyke and als freelie in all respects as they might have done the yeere bygane; and ordains heralds and pursevants to make publication heirof be opin proclamation at all places neidfull, quhairthrow nane pretend ignorance of the same, and to command and charge the shireffs who served in office this yeere bygane to continew in the exercise and discharge thairof for the yeere to come, as they and everie ane of thame will answer on the contrare at thair highest perrell."

Proclamation against the carrying of hagbuts which has become common throughout the kingdom, and especially in Edinburgh.

"Forsamekle as albeit there hes beene manie good acts of parliament, convention and Secreit Counsell made and published heeretofore aganis the bearing and wearing of hacquebuts under diverse panes mentiouned Fol. 298, b. and conteanned in the saids acts, notwithstanding quhairof that contempt and breache of the law is now become as frequent and commoun as it wes in anie time preceeding, and it is come to that hight that undewtifull and lawlesse persons ar not affrayed to come to the burgh of Edinburgh, where the soverane and high court of Parliament is now sitting, armed with hacquebuts and pistolets awaiting the occasions to execut thair wicked designes to the high and proud contempt of his Majesteis auctoritie and lawes; thairfoir the Lord Commissioner and Lords of Secreit Counsell ordains heralds and pursevants to pas and, be opin proclamation at the mercat croce of Edinburgh and others places neidfull, to command, charge and inhibite all his Majesteis lieges and

Acta, May 1636–November 1639.

subjects that nane of thame presoome nor take upon hand to beare or weare hacquebuts and pistolets in anie part of this kingdome in time
Fol. 298, b. comming under the panes conteanned in the saids acts and proclamations formerlie made heeranent; and that they presoome not to repaire toward or about the said burgh of Edinburgh armed with suche unlawfull weapons during the time of this Parliament, certifeing thame that sall doe in the contrare heirof that they sall be apprehended, persewed and punished conforme to the saids acts without mercie, and that they sall be farther punished be his Majesteis Counsell as they sall find the contempt heirof to deserve."

Charge to lacqueys, pages, coachmen, and others not to impress boys into their brotherhood.

"Forsamekle as the Lords of Secreit Counsell ar informed that there is a verie great abuse (quhilk wes formerlie suppresst by force of auctoritie) now renewed be a number of young boyes and pages, footmen, lakeyes, and coachemen, servants to noblemen, barons and gentlemen who when when they find anie boy newlie entered in service or paigerie (as they terme it) they lay hands upon thame and imposes upon thame some certane dewtie to be spent in drinking, ryot and excesse for receaving him in thair societie and brotherhood, and, if anie of thir new intrant boyes, lakeyes or coachemen refuse to condescend to thame, they doe than shamefullie and unhonestlie misuse thame, awaiting all times and occasions to disgrace thame; and thair follie and insolence is now come to this hight that they spaire not to putt hands in thir new intrant boyes, lakeyes and coachemen at thair maisters backes, so that oftymes some jarres and miscontentments betuix the maisters of thir foolish and ydle boyes, pages, lakeyes and coachemen ar like to fall out, as if they wer countenanced be thair maisters in thair foolish and ydle doings, to the high disgrace of auctoritie and breaking of the peace, without remeid be provydit; thairfoir the Lords of Secreit Counsell ordains heralds or pursevants to pas to the mercat croce of Edinburgh, the Cannogait and others places neidfull, and there in our soverane Lord's name and auctoritie to command, charge and inhibite all and sindrie boyes, lakeyes,
Fol. 299, a. pages and coachemen, of what ranke, qualitie or degree so ever they be, be opin proclamation at the saids mercat croces, that nane of thame presoome nor take upon hand at anie time heirafter to trouble or vexe anie other boyes, pages, lakeyes or coachemen or to lay hands upon thame or to burden thame with the payment of anie dewtie to be bestowed upon drinking or otherwayes for receaving thame in thair societie and brotherhood, as they terme it, but that they conteane thameselves in quyetnes as becometh good and mannerlie boyes, lakeyes, pages, and coachemen, under the pane to be takin, apprehended, warded and punished in thair persons at the arbitrement of his Majesteis Counsell, certifeing thame that failleis or does in the contrare that not onelie sall the saids panes be execute upon thame but with that thair maisters sall be charged to enter and present thame to receave thair deserved punishment."

Charge to Francis Stewart, son to John Stewart of Coldingham, and Lieutenant-Colonel Sinclair, on the one part, and Sir Robert Bruce of Clackmannan and others, on the other, to appear before the Council and meantime to keep the peace.

"Forsamekle as there is some appearance of trouble like to fall out betuix Francis Stewart, sone to Johne Stewart of Coldinghame, and Lieutennent Colonell Sinclar, on the ane part, Sir Robert Bruce of Clackmannan, Mr Andro, Johne, Williame and George Bruces, his sonnes, on the other part, to the disturbance of his Majesteis peace, without remeid be provydit, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging both the saids parteis, personallie or at thair dwelling places, and the said Laird of Clackmannans sonnes at thair father's dwelling place and mercat croce of Clackmannan, to compeir personallie before the saids Lords upon the first of October nixt to underly suche order as sall be prescribed to thame for keeping his Majesteis peace, under the pane of rebellion, etc., with certification, etc.; And in the meane time to command and charge both the saids parteis to observe our soverane lords peace, and that they nor nane of thame presoome nor take upon hand to invade, trouble or persew one another for quhatsomever deid, caus or occasioun otherwayes nor be order of law and justice, everie ane of thame under the pane of fyve thowsand merkes; certifeing thame that does in the contrare that they sall be decerned to have incurred and to incurre the saids panes, and letters and executorialls sall be direct aganis thame for payment thairof in forme as effeirs." Acta, May 1636-November 1639. Fol. 299, a.

Warrant to Alexander Erskine, son of the Earl of Mar, to levy 1000 men for service under the King of France.

"The Lords of Secreit Counsell, according to ane warrant and direction in writt, signed be the Kings Majestie and presented to thame, gives and grants commission and warrant to his Majesteis servant, Alexander Areskyne, lawfull sone to umquhill Johne, Earle of Mar, to levey and take up within this kingdome ane thowsand men for the service of his Majesteis brother, the Frenche King, wherein the said Alexander is now imployed; with power to him to caus towck drums, displey cullours and doe and performe all and sindrie things quhilks toward the uplifting and transporting of the said thowsand men ar necessar and may be lawfullie done, and that with all such liberteis as at anie time heirtofore have beene granted in the like caises; charging heirby all our soverane lords lieges, judges, officers and magistrats to burgh and land to concurre and assist the said Alexander in the leveying and transporting of the said thowsand men, and that they nor nane of thame make anie trouble to him therein as they will answer on the contrare at thair perrell, provided that the said Alexander or some in his name doe mutuallie agree with everie one of the said number upon suche conditions as they sall condescend conforme to the custome observed in the like caises. Followes his Majesteis missive for warrant of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and belovit counsellers, we greit yow weill. Whereas, for good considerations moving us, we ar willing that a present levey of a thousand men be made within that our kingdome for the service of our darrest brother, the Frenche Fol. 299, b.

Acta, May 1636–November 1639. Fol. 299, b.

king, our pleasure is that to this purpose yow give warrant with all the convenience that may be unto Alexander Areskine, our servant, with als ample and beneficiall a commission and priviledges both for thair speedie leveying and transportation as formerlie hes beene granted to anie in the like kynde, for whiche these presents sall be your warrant; provided that he or others in his behalfe agree with thame after the maner accustomed. We bid yow farewell. Frome our Court at Whitehall, the 14 of Januar, 1639."

Sederunts, February 1635–November 1643. Fol. 68, b.

Sederunt:—Mar; Galloway; Annandail; Seafort; Naper; Sir Robert Gordon; Blackhal. Edinburgh, 24th September 1639.

[No record of business.]

Sederunt:—Mar; Lithgow; Wigtoun; Kingorne; Tullibardin; Annandail: Kinnowll; Sir Robert Gordon. Edinburgh, 26th September 1639.

[No record of business.]

Acta, May 1636–November 1639. Fol. 299, b.

Sederunt:—Commissioner; Privy Seal; Marques Huntlie; Mar; Airth, Kingorne; Tullibardin; Perth; Lauderdaill; Southesk; Dalyell; Treasurer Depute; Advocate; Justice Clerk; Blakhall. Edinburgh, 1st October 1639.

Anent the feud between Francis Stewart and Lieutenant-Colonel Sinclair, on the one part, and Mr. Andrew, John, William, and George Bruce, on the other.

"Anent our soverane Lords letters direct makand mentioun, forsamekle as there is some great appearance of trouble like to fall out betuix Francis Stuart, sone to Johne Stuart of Coldinghame, and Lieutennent Colonell Sinclar, on the ane part, and Mr Andro, Johne, Williame and George Bruces, on the other part, to the disturbance of his Majesteis peace, without remeid be provydit; and anent the charge givin to the Fol. 300, a. saids Lieutennent Colonell Sinclar, Mr Andro, Johne, Williame and George Bruces to have compeired personallie before the Lords of Privie Counsell this present first day of October instant to have underlyne suche order as sould be prescribed to thame for keeping his Majesteis peace, under the pane of rebellion, etc., with certificationn, etc., lykeas at mair lenth is conteanned in the saids letters, executions and indorsations thairof; quhilkes being callit, and the saids Lieutennent Colonell Sinclar and Mr Androw Bruce compeirand personallie, and the saids Williame, George and Johne Bruces being oftymes callit and not compeirand, the Lords of Secreit Counsell ordains letters to be direct to denunce thame our soverane lords rebells and putt thame to the horne, and to escheit, etc. Mr Andro Bruce actit and obleist himselfe to keepe good rule and quyetnes in the countrie and not to invade, trouble nor molest the said Francis Stuart and Lieutennent Colonell Sinclar otherwayes nor be order of law and justice, under the pane of fyve thowsand merkes and tinsell of credite and reputation; lykeas alsua the said Lieutennent Colonell Sinclar actit himselfe not to invade, trouble nor molest the saids Mr Androw, Johne, George and Williame Bruces, under the same pane."

See *ante*, p. 136.

Edinburgh, 3rd October 1639.

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mairshell; Linlithgow; Perth; Kingorne; Hadinton; Gallouay, Seafort; Lauderdaill; Kinnoull; Southesk; Dalyell; Advocate; Treasurer Depute; Justice Clerk; Blakhall. Acta, May 1636–November 1639. Fol. 300, a.

Anent a dispute concerning the Dowager Lady Mar's seat in the church of Stirling.

"Forsamekle as mutuall actions being persewed before the Counsell betuix Dame Marie Stuart, Countesse of Mar, on the ane part, and Johne, Earle of Mar, and Johne, Lord Areskine, on the other, anent my Ladie Dowagers right of possession of ane seat and desk in the kirk of Stirline; and the Lords of Privie Counsell having heard the Earles of Argile and Southesk, to whome all questions betuix the saids parteis ar submitted, who declared in presence of the Counsell and parteis compeirand personallie that they thought it expedient and reasonable that the said Countesse of Mar sould bruike the possession of the said seate in time comming as she hes done in time bygane untill she be putt frome the same be order of law. Thairfoir and for preventing all questions that may arise betuix the saids parteis anent the said seate heerafter, the Lords of Privie Counsell have ordained and ordains the said Countesse Dowager of Mar to injoy and keepe the possession of the said seate in time comming, as she hes done in time bygane, and that ay and whill she be putt frome the same be order of law; and it is heirby declared that in the meane time the Earle of Mars ladie may also sitt in that seate when it pleaseth her."

Edinburgh, 22nd October 1639.

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mairshell; Mar; Airth; Perth; Wigtoun; Tullibardin; Kingorne; Annerdaill; Lauderdaill; Kinnoull; Elphinstoun; Naper; Advocate; Treasurer Depute; Justice Clerk; Blakhall. Sederunta, February 1635–November 1643. Fol. 69, a.

[No record of business.]

Edinburgh, 23rd October 1639.

Sederunt:—Airth; Wigtoun; Kingorne; Perth; Tullibardin; Annerdaill; Galloway; Kinnoull; Elphinstoun; Naper; Blakhall.

Lord Elphinston chosen president of Council.

"The quhilk day the Lord Elphinstoun, as eldest counseller, wes chosin præses."

Edinburgh, 24th October 1639.

Sederunt:—Commissioner; Privy Seal; Tullibardin; Hadinton; Kinnoull; Southesk; Justice Clerk; Blakhall. Acta, May 1636–November 1639. Fol. 300, b.

Anent the patent creating Sir John Carnegie of Ethie a Lord of Parliament.

"Forsamekle as in the patent granted be his Majestie to Sir Johne Carnegie of Ethie of the title and dignitie of ane lord and baron of parliament there is no claus conteanned therein bearing warrant to the Director of the Chancellarie to write the same to the great seale; and the Lords of Privie Counsell being unwilling that upon this oversight the said patent sould receave anie stay, thairfoir the saids Lords ordains

Acts, May 1636–November 1639. Fol. 300, b.

and commands Sir Johne Scot of Scotstarvet, Director of the Chancellarie, to write the said patent to the greate seale, quhereanent thir presents sall be to him als sufficient warrant, as if the said patent did beare ane expresse warrant to him for that effect."

Sederunts, February 1635–November 1639. Fol. 69, a.

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mairshell; Mar; Linlithgow; Perth; Wigtoun; Kingorne; Tullibardin; Hadinton; Galloway; Seafort; Annerdaill; Lauderdaill; Kinnoull; Southesk; Elphinstoun; Naper; Advocate; Treasurer Depute; Justice Clerk; Blakhall. Holyrood House, 31st October 1639.

"A letter to his Majestie anent the prorogatioun of the parliament." Prorogation of Parliament.

"Acts anent the deliverie of the Erles of Lanerk, Airlie and Carnwath, the Lords Lorne and Ettrick thair patents." The patents of the Earl of Lanark and others.

Acts, May 1636–November 1639. Fol. 300, b.

Sederunt:—Commissioner; Privy Seal[1]; Argile; Kingorne; Seafort; Annerdaill; Lauderdaill; Southesk; Advocate; Treasurer Depute; Blakhall. Edinburgh, 2nd November 1639.

"The Lords of Secreit Counsell, considering the great hurt and prejudice quhilk this countrie hes susteanned thir yeares bygane by the great abundance of copper money, and namelie of the turnours latelie printed within this kingdome, and by the importation of great quantitie of counterfoote turnours, quhilks promiscuouslie hes had course with the others, quhereupon great inconvenients hes fallin out to all rankes and degrees of persons within the said kingdome, for remeid quhairof in time comming the saids Lords, after grave advice and deliberation, hes thought meit and expedient, concluded and ordained that the saids turnours of late printed and strickin within this kingdome sall have no course heerin after the date heirof, but allanerlie for a pennie the peece. And the saids Lords hes discharged and be the tennor heirof discharges the importation of anie turnours at anie time heerafter under the pane of death, certifeing all persons who sall or darre presoome to import anie turnours that the said pane of death sall be execute upon thame without favour; and als discharges the course and passage of anie false and counterfoote turnours not printed and stricken within the said kingdome. And tuicheing all other species of gold and of silver the saids Lords ordains the same to have course and passage as formerlie they had in time bygane; and ordains publication to be made heirof at all places neidfull quhairthrow nane pretend ignorance of the same." Act against the circulation of turners, whether made at home or imported.

Fol. 301, a.

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Perth; Kingorne; Advocate; Treasurer Depute. Holyrood House, 7th November 1639.

"Forsamekle as the Lords of Privie Counsell, considering the great hurt and prejudice the countrie hes susteanned thir yeeres bygane by Act allowing the circulation of turners

[1] The Sederunts add Roxburgh here.

minted at home as their suppression would be injurious to the poor, but prohibiting the importation of foreign turners.

the great abundance of copper money and namelie of the turnours latelie printed within this kingdome, they thairfoir and for preventing the like in time comming be thair act of the date the secund of this instant did ordaine that the saids turnours latelie printed and strickin within this kingdome, sould have no course thereafter but allanerlie for a pennie the peece, as the said act more fullie proports; and the provest and bailleis of Edinburgh having this day represented to the saids Lords that the act foresaid and publishing of it is not likelie to worke the end for whiche it wes intended, but that the losse will be heavie upon the poore, who both to burgh and land have the most part of thir turnours in thair hands, thairfoir the saids Lords of Privie Counsell have of new declared and declares that, notwithstanding of the act abonewrittin, the saids turnours sall have course and passage among his Majesteis subjects heerafter, siclyke as they had before the making of the said act, and the saids Lords have of new discharged and discharges the importation of anie turnours within the kingdome at anie time heerafter under the pane of death, certifeing all persons who sall presoome to import anie turnours that the said pane of death sall be execute upon thame without favour; and als they have discharged the course and passage of all turnours not strickin and printed within the kingdome; and for all other speces of gold and silver ordains the same to have course as they have done formerlie in all time bygane; and ordains a maisser of Counsell to pas to the mercat croce of Edinburgh and there be opin proclamation to make publication heirof, quhairthrow nane pretend ignorance of the same." Acts, May 1636–November 1639. Fol. 301, a.

Holyrood House, 8th November 1639.

Appointment of justices of peace in the sheriffdom of Orkney.

"The quhilk day ane commission wes past for establishing justices of peace within the shirefdome of Orkney to the persons underwrittin, viz.: —the Lord Treasurer; the Lords Privie Counsell and Session; Williame Stewart of Mayns; Sir John Buchanan of Scotscraig; Adame Bannatyne, apparent thairof; Hew Halcro of that Ilke; Laurence Sinclar of Bruch; Patrik Smith of Brako; Williame Sinclar of Saba; George Sinclar of Ropnes; Patrik Balfoure of Garth; David Hart of Rusland; Williame Cragie of Carsay; James Baikie of Tankernes; James Cok of Lopnes; James Fin of Claistrem; Hew Sinclar of Damsay; William Irwing of Garstay; Maus Tailyeour, merchant in Kirkwall. The Laird of Mayns, conveenner." [1] Justices of Peace, November 1612–November 1639. Fol. 73, a.

Holyrood House, 14th November 1639.

Sederunt:—Commissioner; Privy Seal; Huntly; Argyle; Hadinton; Lauderdail; Naper; Advocate; Justice Clerk; Treasurer Depute. Sederunts, February 1635–November 1643. Fol. 69, b.

[No record of business.]

[1] End of the Register of the Justice of Peace.

Acta, May 1636–November 1639. Fol. 301, a.

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Airth; Kingorne; Hadinton; Lauderdaill; Naper; Treasurer Depute; Advocate; Justice Clerk. Holyrood House, 18th November 1639.

Fol. 301, b.

"The whilk day Johne, Earle of Traquair, his Majesteis High Commissioner, having required Mr Alexander Gibsone, younger of Durie, one of the Clerks of the Parliament, to produce the act of the proceedings of the prorogation of the Parliament on the 14 of November instant, the said Mr Alexander produced in a paper the proceedings of the said prorogation, and delivered the same to his Majesteis Commissioner, quhilk his Grace delivered to his Majesteis Advocat to be considderit of. And the said Mr Alexander, being then required be the Lord Commissioner in presence of the Counsell to mend the same in some particulars remembred be the commissioners quhilks wer not substantiall to the perfection thairof, he answered he could not adde, eik nor impaire anie thing frome that quhilk wes produced. And thereafter being required to subscribe the same as it wes conceaved and writtin be him, he answered it wes needlesse, becaus it wes all writtin be his owne hand, quhilk he affirmed in the point of truthe to be equivalent to his subscription and refused to subscribe the same. Refusal of Mr. Alexander Gibson, younger of Durie, one of the clerks of Parliament, to sign the act for proroguing the Parliament.

"The Lord Commissioner and Lords of Privie Counsell, having considderit the declaration abonewrittin made be the said Mr Alexander Gibsone and his refuisall to subscribe the paper produced be him of the proceedings of the prorogation of the parliament, as said is, they find the samine paper in so far as concernes the point of truthe of the proceedings mentiouned therein to be as valide and sufficient as if the samine had been subscribed be the said Mr Alexander Gibsone.

"Thereafter the said Commissioner, having in presence of the saids Lords asked the Lord Advocat if be what is done in the foresaid prorogation his Majesteis warrants givin for that effect be fullie obeyed, the Lord Advocat answered that in his opinion, as being his Majesteis Advocat, he thought his Majesteis warrants fullie obeyed by reading openlie in Parliament in presence of the commissioners his Majesteis warrants for prorogating thairof. Quhairupon he, as his Majesteis Advocat, did then take instruments and required the clerk to prorogat and doe his dewtie according to the custome, quhilk he refused, and that his refuisall could not prejudge the legalitie of the prorogation; and the said Lord Advocat desired the Commissioner to crave the judgement of the Counsell anent his opinion foresaid, and thair voices being asked be his Grace thereupon, they declared they knew nothing to the contrare thairof."

Sederunts, February 1635–November 1643. Fol. 69, b.

Sederunt:—Commissioner; Privy Seal; Huntly; Argyle; Mar; Lithgow; Kingorne; Hadintoun; Lauderdail; Naper; Advocate; Justice Clerk; Treasurer Depute. Holyrood House, 19th November 1639.[1]

"The quhilk day the Commissioner, haveing called for some of the Anent the prorogation of Parliament,

[1] There is a hiatus in the Sederunts from 26th November 1639 to 18th November 1641.

noblemen, barons and burgesses, who were in toun and signified unto thame his Majesties pleasure anent the prorogation of the Parliament, they promeist to give answer thereto the morne." Sederunts, February 1635-November 1643. Fol. 69, b.

Date of a solemn meeting of Council fixed.

"The Lords appoynts a solemne meiting of Counsell to be kept at Halyrudhous on Thursday come fyftene dayes, being the of December."

Holyrood House, 20th November 1639.

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mar; Linlithgow; Kingorne; Hadinton; Lauderdaill; Naper; Treasurer Depute; Advocate; Justice Clerk. Acta, May 1636–November 1639. Fol. 301, b.

The Estates Declaration anent the prorogation of the Parliament.

"The Lord Commissioner, having upon the 19 of this instant called for some of the nobilitie, commissioners frome shires, and burgesses who wer in toun, and signified unto thame his Majesteis pleasure that, if they sould presoome to protest, sitt still and dissobey his Majesteis royall command anent the prorogation of the parliament, his Grace wes commanded to discharge thair so doing under the pane of treason; and, in caise they did not protest, but rise and dissolve according to his Majesteis command, that his Majestie would not onelie admitt to his presence whome they sould thinke fitt to send to represent thair desires and reasons thairof, but will lykewayes, as he wes alwayes readie to doe, punctuallie performe whatsomever he did promise, this day compeered Johne, Earle of Rothes, James, Earle of Montrose, Sir Williame Douglas of Cavers, Sir David Hume of Wedderburne, Johne Smith, burges of Edinburgh, James Fletcher, provest of Dundie, and Thomas Bruce, provest of Stirline, for thameselves and in name of the remanent noblemen, barons and burgesses, and, as they had formerlie done to the Commissioner himselfe, declared that in respect these whome they had formerlie sent to his Majestie wer not admitted to his presence, they would not presoome to send anie of new without his Majesteis particular allowance, whiche they wer to desire by humble supplicatioun to his Majestie, and als declared that they had not protested aganis his Majesteis command for prorogating the Parliament on the 14 of November instant, nather dissobeyed his Majesteis warrant by sitting still, but wer humbelie to represent thair desires to his Majestie when he sould be pleased to allow thame access." Fol. 302, a.

[There is now a hiatus in the Register until 18th November 1641.]

Edinburgh, 18th November 1641.

"The quhilk day the noblemen and uthers underwritten, nominat be his Majestie with advyce and approbation of the Estates of Parliament to be of the Privie Counsell of the kingdome of Scotland; they are to say, John, Earle of Loudon, Lord Heich Chanceller, Archibald, Marques of Argyle, etc., Johne, Earle of Sutherland, Johne, Earle of Mar, William, Earle of Morton, Allexander, Earle of Eglinton, Johne, Earle of Cassills, , Earle of Glencairne, John, Earle of Perthe, Charles, Earle of Acta, November 1641–October 1646. Fol. 1, a.

Privy Councillors nominated by his Majesty with the advice and approbation of the Parliament.

Acts, November 1641 - October 1646.

Fol. 1, a. Dunfermline, John, Earle of Wigtoun, John, Earle of Kingorne, Robert, Earle of Roxburgh, John, Earle of Lauderdail, William, Earle of Lothian, David, Earle of Southesk, John, Earle of Weimes, William, Earle of Dalhousie, James, Earle of Finlater, William, Earle of Lanerk, Archibald Lord Angus, John, Lord Lindsay, John, Lord Yester, John, Lord Sinclar, Allexander, Lord Elphinston, John, Lord Balmerino, Robert, Lord Bureley, James, Lord Amont, Alexander, Lord Balcarras, Sir Thomas Hop of Craighal, knight barronet, his Majesteis Advocat, Sir John Hamilton of Orbestoun, Justice Clerke, Sir James Carmichael of that Ilk, Thesaurar Depute, Sir James Gallouay, knight, Maister of Requests, Sir Robert Gordon of Drenie, Sir Patrick Hepburne of Wauchton, Sir Allexander Aresken of Din, Sir Robert Innes of that ilk, Sir [Robert] Grahame of Morphie, Sir William Douglas of Cavers, John Dundas of that ilk, Sir Thomas Morton of Cambo, and Sir Allexander Clerke, provest of Edinburgh for the tyme, compeirand personalie, and the said John, Earle of Loudon, Lord Heich Chanceller, haveing produced and exhibit before thame the commission granted to thame be his Majestie with advyce and approbation of the saids Estates, and the samen being red in thair audience, they all and everie one of thame accepted the said commission upon thame, and ordaned the same to be registrat in the books of Privie Counsell, and gave the oathes of alledgance and of a Privie Counseller, of the quhilk Commission and oathes the tenor followis: —In the parliament haldin at Edinburgh the sextene day of November the yeere of God j^{m}vi^{c} and fourtie one yeeres our soverane Lord, with advyce and consent of the Estates of Parliament, considering that his Majestie being now actuallie present in his royall persone in this his native and ancient kingdome and willing before his returne to Ingland (quhair his Majesties more ordinarie residence hes beene heirtofore and will apparentlie be in tyme comeing) to leive behind him suche a pledge and testimonie of his tender respect, royal care and fatherlie affection for establisheing the good and happie governement of this his Majesties ancient kingdome, as in some measure may supplie the want of his royal presence among thame, hes to this effect, out of his native goodnes, condiscendit to ane Act made in this present session of Parliament, with consent of the Estates, quhairby his Majestie for himselfe and his successors hes willed, inactit and ordand, that now and in all tyme comeing the Officers of State, Lords of Secreit Counsel, and Lords of Session, on whose care, wisdome and fidelitie in thair several judicatories quhilks, nixt unto the supreme court of Parliament, are the cheife and principall judicatories, depends the weele and happines of the government, sall be chosin now and in all tyme comeing be his Majestie and his successors, with advyce and approbation of the estats of Parliament when they are sitting, and for the interim with the advyce of the Lords of Secret Counsel and Session respective, as in the said Act of Parliament at more lenthe is conteaned. Thairfoir his Majestie hes with special advyce and approbation of the saids estates, nominat, electit, and chosin the persons

Commission of the Council.

Fol. 1, b.

after following, John, Lord Loudon, Chanceller, James, Duke of Lennox, James, Marques of Hamilton, Archibald, Earle of Argyl, William, Earle of Marischal, John, Earle of Sutherland, John, Earle of Mar, William, Earle of Morton, Allexander, Earle of Eglinton, Johne, Earle of Cassills, , Earle of Glencairne, James, Earle of Murray, John, Earle of Perthe, Charles, Earle of Dunfermlin, John, Earle of Wigtoun, John, Earle of Kingorne, Robert, Earle of Roxburgh, George, Earle of Seafort, John, Earle of Lauderdail, William, Earle of Lothian, George, Earle of Kinnoul, David, Earle of Southesk, John Earle of Weimes, , Earle of Dalhousie, James, Earle of Finlater, William, Earle of Lanerick, Allexander, Earle of Levin, Archibald, Lord Angus, John, Lord Lindsay, Johne, Lord Yester, John, Lord Sinclar, Allexander, Lord Elphinston, John, Lord Balmerino, Robert, Lord Burghley, James, Lord Amont, James, Lord Balcarras, Sir Allexander Gibson, yonger of Durie, Clerke of Register, Sir Thomas Hop of Craighal, his Majesties Advocat, Sir John Hamilton of Orbeston, Justice Clerke, Sir James Carmichael of that Ilk, Thesaurer Depute, Sir James Gallouay, Maister of Requests, Sir Robert Gordon, Sir William Douglas of Cavers, Sir Patrick Hepburne of Wauchtoune, Sir Dundas of that ilk, Grahame of Fintrie, Sir Thomas Myretoun of Cambo, Sir Allexander Areskine of Din, Sir Robert Innes of that Ilk, Grahame of Morphie, The Provest of Edinburgh for the tyme being; and the supernumerarie counsellers; English, viz.:— , Earle of Arundell, , Earle of Pembroke, , Earle of Salisburie, Henrie, Earle of Holland: To whome or anie nyne of thame, by these supernumerarie abovewrittin, his Majestie, with advyce and consent of the saids Estates, hes committed and committs the administration and governement of this his Majesties native kingdome, in all affaires concerning the peace, good and happines thairof whiche, be the law and custome of this kingdome, perteanes to the judgment, cognition and determination of his Majesties Privie Counsel, with power to thame or anie nyne of thame, as said is, to meit and conveene at the place appoynted for the ordinarie residence of his Majesties Privie Counsell at Edinburgh, or at anie other place or places whiche be common consent, in caise of anie necessitie or urgent occasion thairof, salbe fund most fit and convenient, and there to advyse, consult, deliberat, conclude, decerne and determine upon all and sundrie affaires, purposes, and actions quhilks may concerne the good and peace of the kingdome, according to the lawis and acts of Parliament established, or to be established within the same, and to hear, decyde and determine upon all causes and actions betuix subject and subject proper to be decydit be the Lords of his Majesties Privie Counsel; and that nane be present at thair meitings bot suche as are of the Privie Counsell, with the Clerke of Privie Counsell, whome his Majestie with advyce forsaid continowis in his place as of before. His Majestie with advyce foirsaid hes lykewayes given and granted, and be the tenor heirof gives and grants full power and commission to the said Counsell and everie one of thame upon anie

Acta, November 1641–October 1646. Fol. 1, b.

Fol. 2, a.

Acts, November 1641–October 1646. Fol. 2, b.

interveening occasion of disorder or trouble in suche parts of the countrey quhair they sall remaine for the tyme, to command and charge the person or persons, committers of suche disorders, to observe and keepe his Majesties peace, and to charge the contraveeners thairof to enter thair persons in warde in suche part or places or within suche a short space, as the said counseller sall thinke meit, thair to remaine till order be tane be a full nomber of the Counsell in the mater quhairin they have offendit; provyding alwayes that he be comptable to his Majestie and the rest of the Counsell, and that no just cause of complaint be heard aganis him; and if the person or persons he chargit to ward sall happen to disobey and contemne the charge, his Majestie, with advyce and consent of the saids estats, declaris that, upon report thairof to the Counsell, a pecunial soume salbe imposed upon the offender, according to the qualitie of his persone and nature of his offence, and the Counsell is to apprehend the offenders and to committ thame to warde; with power lykewayes to the said Counsell to make and sett doune acts and ordinances for government of the kingdome and suppressing of disorders within the same; with power lykewayes to the said Counsell to give and appoint assessors to the Justice Generall and his deputs in caise of necessitie, and to give warrant to the said Justice, his deputs and assessors, for continowing execution after conviction or for mitigating the punishment of the law in criminal causes, if the nature and qualitie of the crymes sall requyre; and to grant commissions of Justiciarie in maters criminal and others commissions in maters concerning the weele of the kingdome, and also with power to give warrand to the said Justice General his deputs and others commissioners forsaids for imponing of fynes or pecuniall soumes upon the crymes of adulterie, bearing and wearing of hacquebuts and pistolets, usurie, and suche other transgressions of the acts of Parliament quhair the punishment be the law is inflicted upon bodie or goods or left to the arbitriment of the judge; and lykewayes with power to thame to grant exemptions frome oasts, raids, assyses and licences to depart out of the kingdome, according to the conditions conteaned in the act of Parliament; as also with power to the said Counsell in caise ane open and avowed rebellion sall happin to be raised within the said kingdome, quhilk cannot be suppresst bot be force, to give commission of leiutenendrie and justitiarie for suppressing of the said rebellion, and to direct charges to suche parts of the countrey as they sall thinke fit, for concurrence to be given in the execution of the said commission, and to give order and direction to furnish and advance the soumes of money that salbe requisit in suche expeditions; with power lykewayes to the said Counsell to raise the session upon interveening occasion or necessitie, and to appoynt tymes and places of thair doun sitting; and generallie with power to the said Counsell to doe, use and exerce all and everie thing whiche the Counsell of the said kingdome did or might have done the time of his Majesties late father: provyding alwayes, lykeas his Majestie expreslie provyds,

with advyce and consent forsaid, that this commission sall be no wayes prejudiciall to the Commission of Exchecker; and it is declarit, that anie nyne of the said Counsell salbe a sufficient nomber and make a session, provyding the Lord Chanceller be one of the nyne, and in caise of the absence of the Lord Chanceller it is declared it sall be lawfull to anie nyne or moe of the Counsel, conveend in the ordinar place and at the indicted tyme of meiting, to choise one of thair nomber conveend, who sall preside at thair meiting als oft as the Lord Chanceller salbe absent: And his Majestie and the Estates considering that the often absence of the most part of the Counsel and thair not attendance on the charge and trust concredit unto thame will be a great empediment and hinderance to his Majesties service, thairfore his Majestie, with advyce forsaid, declaris that it is his speciall pleasure and command that the Lord Chanceller or president of the Counsel to be elected, as said is, doe sie and provyde that the Counsell be frequent, specialie in great and weightie maters of estate, and if upon occasion that requyres the nomber of the Counsel to be more full then the *quorum*, the Lord Chanceller or president to be electit in maner forsaid sall wryte to suche others of the Counsell as they thinke fit to be present, and to give thair attendance; in which caise if anie disobey without a licence obteaned frome his Majestie or the *quorum* of the Counsel or without some reasonable caus, either of whiche sall excuse thair absence, then and in that caise his Majestie, with advyce forsaid, wills that the absent salbe censured be the Counsel as a neglecter of his Majesties service and that his Majestie be advertised heirof: and it is declared that if anie of the saids counsellers places vaike be decease, dimission or deprivation, that his Majestie in the interim sall nominat ane other of that same degree and qualitie in the vacant place, with advyce of the most part of the Lords of Privie Counsell, they being all present at the election, at the least lawfullie warnit to that effect upon 15 dayes warning conforme to the Act of parliament made thairanent, quhilk election, made in the interim as said is, sall be allowed or disallowed be his Majestie with consent of the Estates in the nixt ensueing Parliament as they sall thinke expedient. As also his Majestie with consent of the Estates gives power to the saids Lords of Secret Counsel or anie nyne of thame, as said is, to sett doune suche rules and orders for thair meitings and attendance, and spaces and tymes thairof as they sall ordane among thameselfes, and wills and declars that the saids Lords of Secreit Counsel now nominat, as said is, and these who sall be surrogat in thair places in the interim in maner forsaid, sall have, bruike and enjoy thair places *ad vitam vel ad culpam* and salbe lyable to the censure of his Majestie and the Estates of Parliament anent thair proceedings: firme and stable holding, and for to hold all and quhatsomever be the saids Lords or anie nyne of thame, as said is, salbe lawfullie done in the premises; and decerns and ordans all his Majesties leiges and subjects to reverence, acknawledge and obey the saids Lords of his Majesties Privie Counsell in all things concerning the

Acts, November 1641–October 1646. Fol. 2, b.

Fol. 3, a.

Acta, November 1641–October 1646. Fol. 3, a.

charge and trust committed to thame, as said is, under all heichest paine that after may follow: and this commission to endure whil the nixt Parliament, and longer, ay and whil the same be expreslie dischargit. Extractit out of the books and records of parliament be me, Sir Allexander Gibson, yonger of Durie, knicht, Clerk of his Majesties registers and rolls, under my signe and subscription manual. *Sic subscribitur*, Allex[r] Gibsone, Cls. Regri.

Fol. 3, b.

The oath of Alledgeance.

The oath of allegiance.

I (N), for testification of my faithfull obedience to my most gratious and redoubted soverane, Charles, King of Great Britane, France and Ireland, Defender of the Faith, etc., affirme, testifie and declare by this my solemne oath, that I acknawledge my said soverane *onelie supreme governor of this kingdome*, over all persons, and in all causes, as is exprest in our National Covenant, and that no forrayne prince, power, state nor person, civil or ecclesiastique, hath anie jurisdiction, power or superioritie over the same; and thairfore I doe utterlie renunce and forsake all forrayne jurisdictions, powers and auctorities, and sall at my utmost power defend, assist and mainteane his Majesties jurisdiction forsaid aganis all deadlie, and never declyne his Majesties power nor jurisdiction, as I sall ansuer to God.

The oath of a Privie Counseller.

The oath of a Privy Counsellor.

I suear to be a trew and faithfull servant unto the Kings Majestie as one of his Privie Counsell. I sall not know nor understand of anie maner of things to be attempted, done or spokin aganis his Majesties person, crowne or dignitie royall, bot I sall lett and withstand the same to the utmost of my power, and either caus it to be revealled to his Majestie himselfe or to suche of his Privie Counsell as sall advertise his hienes of the same. I sall in all things to be moved, treatted and debated in Counsell, faithfullie and trewlie declare my mynde and opinion, according to my heart and conscience, and sall keepe secret all maters comitted and revealed unto me or that sall be treatted of secretlie in Counsel; and, if anie of the same treaties or counsells sall tuiche anie of the counsellers, I sall not reveall it unto him, bot sall keepe the same untill suche tyme as by the consent of his Majestie or of the Counsel publication sall be made thairof; and generallie in all things I sall doe as a faithfull and trew servant and subject oucht to doe to his Majestie, so help me God."

Demission of the clerkship of the Council by James Philip.

"The quhilk day in presence of the Lords of Secret Counsell compeired personalie M[r] John Paip, yonger, advocat, as procurator for James Philp, late Clerke of Counsell, and gave in the dimission underwritten, desyring the same to be insert and registrat in the books of Privie Counsell, thairin to remaine *ad futuram rei memoriam*. Quhilk desyre

the saids Lords findeing reasonable, they have ordant and ordans the same to be insert and registrat in the books of Privie Counsel, in maner and to the effect thairin conteanit, of the quhilk dimission the tenor followis:—Be it kend to all men be this present letter, me, James Philp, Clerke of his Majesties Privie Counsel, forsameikle as I being now struckin in yeares and subject to infirmities and weakness of my bodie so as I cannot gudlie attend all occasions of my service as Clerke to his Majesties Counsel, and being loath that his Majesties service sould suffer thairthrow bot that the place sould be filled with some sufficient and able person to discharge the same, thairfore witt yee me to have dimitted, lykeas be the tenor heirof I doe dimit my said office and charge off Clerke of Privie Counsel of this kingdome granted be his Majestie to me under his great seale of the date at Quhythall the day of , 1640, and als my place of wryter of the commissions of the justices of peace, and all other things, liberties, priviledges, offices or casualities conteaned in the said gift or whiche have beene or are competent to the Clerke of his Majesties Counsel, in favors of Archibald Primerose, sone lawful to umquhile James Primerose, my predicessor in the said office; and I doe declare the same vacant be all maner of vacancie quhilk can flow frome me; and sall never appeare in the contrare heirof, bot so oft as neid beis sall renew and ratifie thir presents in als ample ane way as law will requyre; and I am content that thir presents be insert and registrat in the books of Privie Counsel, thairin to remaine *ad futuram rei memoriam;* and for that effect constitutts Mr John Paip, yonger, advocat, my procurator. In witnes quhairof I have subscribit thir presents with my hand, written be the said Archibald Primerose at my desyre, at Halyruidhous, the first day of September, the yeere of God j^m^vi^c^ and xli yeeres, before thir witness, Mr Patrick Broun, presenter of the signators in Exchecker, and James Primerose, son lawful to Mr David Primerose, advocat. *Sic subscribitur*, James Philp, M. P. Broune, witnes, J. Prymerose, witnes."

Acta, November 1641–October 1646. Fol. 4, a.

Admission of Archibald Primrose as Clerk of the Council.

"The quhilk day in presence of the Lords of Secret Counsell compeired personalie Archibald Primerose, son lawful to umquhile James Primerose, late Clerk of Counsell, and produced and exhibit a patent under his Majesties great seale, bearing date at Halyrudhous, the second day of September last, quhairby his Majestie hes made and constitutte him, dureing all the dayes of his lyftyme, sole and onelie Clerk of his Majesties Privie Counsel and sole and onelie wryter of the commissions of justitiarie of peace within this kingdome, and hes given to him the saids places, with the haill liberties, priviledges, fees and casualities conteaned in the said gift and dew to the saids places or quhairof anie Clerke of Counsel hath beene in possession at anie tyme bygane, as is more fullie conteaned in the said patent; quhilk being red, hard and considerit be the saids Lords, and they acknawledging with all dewtifull respect the choise made be his Majestie of the said Archibald as a person most fit and able for suche ane employment, they furthwith

Fol. 4, b.

Acta, November 1641–October 1646. Fol. 4, b.

ressaved and admitted the said Archibald to the exercise of the saids tua places conforme to the said patent, and tooke his oath of fidelitie and secrecie."

Protest by the Master of Requests against any invasion of his privileges by the Clerk of the Council.

"The quhilk day in presence of the Lords of Secret Counsel compeired personalie Sir James Gallouay, Maister of Requests, and protested that the admission of Archibald Primerose this day to be sole clerke of the Privie Counsell conforme to his gift under the great seale sould not be prejudiciall to him and the right and priviledges he may claime be vertew of his office as Maister of Requests of presenting bills be himselfe or his deputies to the Counsel; lykeas the said Archibald Primerose, being personallie present, protested in the contrare, in regarde of his admission to the said office of Clerkship, quhairby the sole power of presenting of bills to the Counsel belongs to him, and quhairof his umquhile father and others his predicessors hes beene in continowall possession without interruption."

Commission to the Marquis of Argyll and others to treat with Sir William Dick or others for the payment of the soldiers who are not yet disbanded.

"The Lords of Secret Counsell gives warrand and commission to the Marques of Argyle, the Earles of Roxburgh and Southesk, and Lords Burley, to deal with Sir William Dick or anie others they sall thinke fit for advanceing of money for payment of the souldiours of these regiments quhilks ar yit on foote in this kingdome undisbandit, and quhilks the Lords ordans to be disbandit betuix and the eight day of December nixt."

Sederunts, February 1635–November 1643. Fol. 74, a.

Commission anent the suppression of the rebellion in Ireland.

"A commission to the Chancellor, Argyle, Eglinton, Balmerino, and Amont, with the Lord General, to conveene and sett doune the instructions to be sent to the Parliament anent the maner of the supplee frome Scotland for suppressing the rebellion in Ireland and to report."

Acta, November 1641–October 1646. Fol. 4, b.

Edinburgh, 19th November 1641.

Sederunt:—Chancellor; Argyle; Sutherland; Morton; Eglinton; Cassills; Glencairne; Dunfermline; Wigtoune; Lauderdail; Louthian; Southesk; Weimes; Dalhoushie; Finlater; Angus; Lindsay; Yester; Sinclar; Elphinston; Amont; Balcarres; Advocate; Treasurer Depute; Master of Requests; Sir Robert Gordon; Wauchton; Innes; Dundas; Cambo; Provost of Edinburgh.

William, Earl Marischal, James, Earl of Moray, and George, Earl of Seaforth, admitted into the Council.

"The quhilk day William, Earle of Marischal,[1] James, Earle of Murray,[2] and George, Earle of Seafort,[3] compeirand personalie in presence of the Lords of Privie Counsell, were according to the Commission of Counsell granted be his Majestie and the Parliament admitted on Counsell, and gave the oathes of alledgance and of a privie counseller."

Fol. 5, a.

The Earl of Loudon reports a letter from the Duke of Lennox, together with a communication from the English Parliament.

"The quhilk day John, Earle of Loudon, Lord Heich Chanceller of this kingdome, produced and exhibit before the Lords of Privie Counsell, a letter written to his Lordship be the Duke of Lennox, togidder with a declaration and some instructions of the Parliament of England thair-

[1] William, seventh Earl Marischal.

[2] James, third Earl of Moray.

[3] George, second Earl of Seaforth. He afterwards proved his loyalty both to Charles and his son.

with sent hither; quhilks being red and considerit be the saids [Lords], they have ordand and ordans the same to be insert and registrat in the books of Privie Counsell, quhairof the tennor followis. Acta, November 1641–October 1646. Fol. 5, a.

The Dukis Letter.

Letter of the Duke of Lennox to the Lord Chancellor Loudoun anent the Irish Rebellion.

'My Lord, these two papers whiche his Majestie hes commandit me to send to your Lordship were heer presented to him upon his arryvall. By what these conteane you will perceave his Majesties returne wes not held certane. Now the Parliament is risen and the power of it (for what may concerne Ireland) devolved upon the Counsel. His Majestie desirs your Lordship to call the Counsell, if yow are not mett, as yow exprest, to remember his birthday, and to what other effect of your affections wil be to add this one, to perfect the instructions of these noble persons who are to be sent up to treat with the English Parliament, that they may be dispatcht with thame, that suche tymelie resolutions may be takin as may prove for the good of both kingdomes, and the setling of a thrid to that dutie and obedience it ought, whiche to it will be a greater happines than to prevail in mischiefe. Bot his Majesties and this whole Ilands interest in that is sufficient to move all care and diligence, whiche is his desire to your Lordship to intimat to the Counsel. And after that I may present my awne that you will please to esteeme me your Lordships humble servant. *Subscribitur*, J. Lennox and Richmond.—Postscript. His Majestie hath directed my Lord General, who, at his returne will assist your Lordship, in what you will (no doubt) have weele prepared. Barwik, 18 November. Directed on the backe, For the Lord Chanceller.'

Communication from the English Parliament anent the suppression of the Irish Rebellion.

"The Lords and Commons in this present Parliament, being advertised of the dangerous conspiracie and rebellion in Ireland by the treacherous and wicked instigation of Romish priests and jesuits for the bloodie massacre and distruction of all the protestants liveing thair, and others his Majesties loyal subjects of English blood, tho of the Romish religion (being ancient inhabitants in severall counties and parts of that realme, who have alwayes in former rebellions given testimonie of thair fidelitie to this crowne) and for the utter depryveing of his royall Majestie and the crowne of Ingland frome the government of that kingdome, under pretence of setting up the popish religion, have thairupon taken into thair serious consideration how these mischeivous attempts might be most speedilie and effectuallie prevented, wherein the honor, safetie and Fol. 5, b. enterest of this kingdome are most neirlie and fullie concernd. Wherfore they doe heirby declare that they doe intend to serve his Majestie with thair lyves and fortunes for the repressing of this wicked rebellion in suche a way as sall be thought most effectuall by the wisdome and auctoritie of Parliament, and thairupon have ordered and provydit for a present supplie of money for raiseing of the nomber of 6000 foote and 2000 horse to be sent frome England, being the full proportion desired

Acts, November 1641-October 1646. Fol. 5, b.

by the Lords Justices and his Majesties Counsell resident in that kingdome, with a resolution to add suche further succors as the necessitie of these affaires sall requyre. They have also resolved of provyding armes and munition not onelie for these men bot lykewayes for his Majesties faithfull subjects in that kingdome, with store of victuals and others necessaries as there salbe occasion; and [that] these provisions may more convenientlie be transported thither they have appoynted three severall ports of this kingdome, that is to say, Bristol, Westchester and one other in Cumberland, quhair the magasens and storehouses salbe kept for the supplie of the severall parts of Ireland. They have lykewayes resolved to be humble mediators to his most excellent Majestie for the encouragment of those English or Irish, who sall upon thair awne charges raise anie nomber of horse or foote for his service against the rebells, that they salbe honorablie rewardit with lands of inheritance in Ireland, according to thair demerit; and for the better induceing the rebells to repent of thair wicked attempts, they doe heirby recommend it to the Lord Leiutenent of Ireland or in his absence to the Lord Deputie or Lords Justices thair, according to the power of the commission granted thame in that behalf, to bestow his Majesties gratious pardon to all suche as within a convenient tyme to be declared by the Lord Leiutenent, Lord Deputie, or Lords Justices and Counsell of that kingdome, sall returne to thair due obedience, the greatest part quhairof they conceave have beene seduced upon false grounds by the cunneing and subtile practises of some of the malignant rebells, enemies to this state and to the reformed religion, and lykewayes to bestow suche rewards as sall be thought fit and published be the said Lord Leiutenent, Lord Deputie, and Lords Justices and Commissioners upon all those who sall arrest the persons, or bring in the goods of suche traytors as sall be personallie named in anie proclamation published be the state thair. And they doe heirby expect and requyre all his Majesteis loveing subjects both in this and that kingdome to remember thair dutie and conscience to God and his religion, and the great and imminent danger which will involve this whole kingdome in general and thameselfes in particular if this abominable treason be not tymelie suppresst, and, thairfor, with all reddines, bountie and cheirfulnes to conferre thair assistance in thair persons or estates to this so important and necessarie a service for the common good of all. *Subscribitur*, Manchester. William Lenthall, Speaker.

Fol. 6, a.

Instructions of the Lords and Commons of Parliament to the Committees of both Houses, now attending his Majestie in Scotland.

Instructions from the English Parliament to its commissioners attending his Majesty in Scotland.

1. Yow sall humblie enforme his Majestie that the proposition made to the Parliament of Scotland concerning thair assistance for suppressing the rebells in Ireland hath beene fullie considered and debated by both Houses of Parliament heere, and thair wyse and brotherlie proceedings and expressions are apprehendit and enterteanied by ws, not onelie with approbation bot with thankfulnes. Wherfore wee desyre that his

Majestie will be pleased that yow may in name of the Lords and Commons of England, give publick thanks to the Estates of the Parliament of Scotland for thair care and reddines to employ the forces of that kingdome for reduceing the rebellious subjects of Ireland to thair due obedience to his Majestie and the crowne of England. Acts, November 1641–October 1646. Fol. 6, a.

2. Yow sall further make knowin to his Majestie that, in respect of the great and almost universall revolt of the natives of Ireland cherisht and fomented, as wee have caus to doubt, by the secret practises and encouragements of some forrayn states ill affected to this crowne, and that the northerne part of that kingdome may with much more ease and speed be supplied frome Scotland then frome England, wee humblie advyse and beseeche his Majestie to make use of the assistance of his Parliament and subjects of Scotland, as is more particularelie specifeit in the 5 article, for the present releiffe of those parts of Ireland, whiche ly neirest to thame, according to the treatie agreed upon, and confirmed in both Parliaments and the affectionat and freindlie disposition now latelie exprest.

3. Yow sall present to his Majestie the copie enclosed of the declaration whiche wee have sent to Ireland for the encouragement of his good subjects thair, and for the more speedie and effectual opposing of the rebells, and in execution and performance of our expressions thairin made of zeal and faithfulnes to his Majesties service. Wee have alreadie taken care for 50,000^{lbs} to be presentlie borrrowed and secured by Parliament. Wee have lykewayes resolved to hasten the Earle of Leicester, Lord Leuitenant of Ireland, verie speedilie to repaire thither, and forthwith to raise a convenient nomber of horse and foote for securing Dublin and the English pale with suche other parts as remaine in his Majesties subjection, intending to second the same with a farre greater supplie.

4. Wee have further ordered and directed that his Majesties armes and munition lying in the citie of Carleil salbe transported to the northerne parts of Ireland for the supplie of Carrictfergus and others his Majesties forts and garisons there, and that a convenient nomber of men salbe sent frome the north parts of Ingland for the better guard and defence of these forts and countries adjoyning. Besyds wee have taken order for diverse officers to be sent for the heading of two regiments to be leveyed off the inhabitants thair, and that a larger proportion of armes and other munition sall be speedilie conveyed out of his Majesties stores to Westchester to be disposed according to the direction of the Lord Leuitenent of Ireland for armeing the men to be sent frome Ingland and suche others his loyall subjects as may be raised in Ireland. Fol. 6, b.

5. And, becaus wee understand that the rebells are lyke with strenth to attempt the ruine and destruction of the British plantations in Ulster, wee humblie advyse his Majestie by the counsell and auctoritie of the Parliament in Scotland to provyde that the full nomber of 10,000 may be raised of his Majesties subjects in Scotland at suche tyme and in suche maner as sall be thought fit be the Parliament here, of whiche

Acts, November 1641–October 1646. Fol. 6 b.

nomber for the present wee desire that 5000, furnisht and accomplisht with all necessarie armes and munition as sall seeme best to thair great wisdome and experience, may with all possible speed be transported into Ireland under the command of suche worthie persons weele affected to the reformed religion and the peace of both kingdomes, and weele enabled with skill, judgment and reputation for suche ane employment; whiche forces wee desire may be disposed in these northerne parts for opposing the rebells and confort and assistance of his Majesties good subjects thair, with instructions frome his Majestie and the Parliament of Scotland, that they sall upon all occasions pursue and observe the directions of the Lord Leuitenent, his Leuitenent general, and others governors of Ireland, according to thair auctoritie derived frome his Majestie and the crowne of England.

6. And as tuicheing the wages and other neidfull charges quhilk this assistance will requyre, wee would have yow, in our name, to beseeche his Majestie to commend it to our brethren, the Estates of the Parliament of Scotland to take into thair care in the behalfe of his Majestie and this kingdome, to make suche agreement with all the commanders and souldiours to be imployed as they would doe in the lyke caise for thame selfes, and to lett thame know for our part wee doe whollie rely upon thair honorable and freindlie dealling with us, and will take care that satisfaction be made accordinglie. *Sic subscribitur*, Manchester. Wm Lenthal, Speaker."

Proclamation for the recovery of his Majesty's plate, pewter, and other household stuff which have been lost.

"Forsameikle as there is certane quantitie of his Majesties plait peulter and other houshold stuffe in missing by the carelesse and negligent keeping of these to whose charge the same apperteand, and is kept be some persons to thair awne privat use, thairfore the Lords of Secret Counsell ordans heraulds or maissers to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamation to command and charge all and sundrie persons in whose hands anie of his Majesties plait, pewlter or other houshold stuffe now in missing is, to bring in and delyver the same to the Thesaurer Deput within 24 houres after the publication heirof, under the paine to be persewed thairfore as theeves."

Sederunte, February 1635–November 1643. Fol. 74, b.

The Laird of Bargany made a Lord of Parliament.

"A patent produced under the great seale creating the Laird of Barganie ane lord of Parliament, quhilk wes red and delyverit be the Chancellor to the said Lord Barganie, who ressaved the same on his knees."

Commission anent the Irish Rebellion.

"The Earles of Cassillis, Glencairne, Lauderdaill and the Laird of Innes adjoined to the commissioners appoynted for the Instruction about the Irish bussines."

Acts, November 1641–October 1646. Fol. 7, a.

Edinburgh, 20th November 1641.

Sederunt:—Loudoun; Chancellor; Argyl; Sutherland; Mar; Eglinton; Cassills; Glencairne; Murray; Kingorne; Seafort; Louthian; Southesk; Finlater; Levin; Angus; Lindsay; Elphinston;

Yester; Balmerino; Amont; Balcarras, Advocate; Treasurer Depute; Master of Requests; Sir Robert Gordon; Cavers; Cambo. Acta, November 1641–October 1646. Fol. 7, a.

The Earls of Kinnoul and Leven admitted into the Council.

"The quhilk day George, Earle of Kinnoul,[1] and Allexander, Earle of Levin,[2] compeirand personalie in presence of the Lords of Privie Counsell, were, according to the commission of Counsel granted be the Kings Majestie with advyce and approbation of the Estatis of Parliament, admitted on Counsell, and gave the oathes of alledgance, and of a privie counseller."

Caution by Lieutenant-Colonel Alexander Stuart for his future good behaviour.

"The quhilk day in presence of the Lords of Privie Counsell compeired personalie Mr John Paip, younger, advocat, as procurator for the principall and cautioner underwritten and gave in the band after specifeit, desyring the same to be insert and registrat in the books of Privie Counsel to the effect thairin conteanit, quhilk desyre, etc., of the quhilk band the tenor followis:—I, Lieutenent Colonel Allexander Stuart, forsameikle as I being committed be warrand frome the Parliament to the keeping of John Fleeming, one of the baillies of Edinburgh, in his hous, and now being to be releived and putt at libertie and not deteaned anie longer under that restraint and in respect thairof, I, being most willinglie resolved to behave my selfe in a peaceable and legal way, thairfore I, for my selfe and John Cunyngham, sone to Mr John Cunyngham, sometyme of Boquhan, as cautioner for me, bind and obleiss us conjunctlie and severallie that I, the said Lieutenent Colonel Allexander Stuart, sall carie and behave my selfe in ane peaceable and sober way to all his Majesties leiges as becometh ane dutifull and obedient subject, and conforme to the lawis and acts of Parliament of this kingdome; and especialie that I sall carie and behave myselfe in ane sober and discreit maner toward Captane William Stuart in maner abone rehearst, and that I sall not trouble, molest nor anie wayes perturbe or squable with him in anie sort, and that under all heichest paine and punishment it sall please the Lords of Secret Counsell to inflict incaise I contraveene. Lykeas I, the said John Cunynghame, become bund and obleist as cautioner for the said Allexander Stuart his good behaviour and cariage generallie and particularlie above rehearsit under the paine forsaid, and I, the said Lieutennent Colonell Allexander Stuart, become not onelie actit and obleist for my selfe to the effect forsaid, bot also I bind and obleis me to releive my cautioner of his cautionerie abonementionat and of all danger he may incurre thairthrow; and wee baith consent thir presents be registrat in the books of Privie Counsell, with all execution neidfull Fol. 7, b. to pas heirupon, and thairfore constitutts Mr John Paip, advocat, our procurator to compeir and consent to the effect forsaid. In witnes quhairof wee have subscribed thir presents at Edinburgh, the 19th of November, 1641 yeeres, before thir witnes, John Fleeming, baillie, William Balfour, my nephew, and Robert Burdon [*sic*] servitor to the

[1] George, second Earl of Kinnoul.

[2] Alexander Leslie, first Earl of Leven. He had been raised to this dignity on 11th October 1641.

Acta, November 1641–October 1646. Fol. 7, b.

said John Fleeming. (*Sic subscribitur*), A. Stuart, John Cunynghame, John Flemyng, baillie, witnes, W. Balfour, witnes, Ro. Burbon, witnes."

Sederunt ante meridiem:—Chancellor; Argyl; Sutherland; Mar; Eglinton; Cassills; Glencairne; Murray; Dunfermlin; Kingorne; Seafort; Lauderdail; Louthian; Kinnoul; Southesk; Dalhoushie; Finlater; Lanerick; Levin; Angus;[1] Elphinston; Sinclar; Balmerino; Balcarres; Advocate; Treasurer Depute; Master of Requests; Sir Robert Gordon; Wauchton; Innes. Edinburgh, 22nd November 1641.

"The quhilk day Sir Allexander Gibson, yonger of Durie, Clerk of Register,[2] compeirand personalie in presence of the Lords of Privie Counsell wes according to the commission of Counsel granted be his Majestie with advyce and approbation of the Estates of Parliament, admitted on Counsel, and gave the oathes of alledgance and of a privie counseller." Sir Alexander Gibson, Clerk Register, admitted into the Council.

Eodem die post meridiem; sederunt ut ante meridiem exceptis Murray; Dunfermlin; Kingorne; Louthian; Kinnoul; Levin; Angus; Yester and Sinclar. Edinburgh, 22nd November 1641.

"The quhilk day John, Earle of Loudon, Lord Heich Chanceller of this kingdome, haveing acquainted the Lords of Privie Counsell with a letter direct to his lordship be the Duke of Lennox at his Majesties direction and with ane declaration and instructions sent frome the Parliament of Ingland thairwith tuicheing thair desyre of assistance frome this kingdome for suppressing the Yrish rebellion; and considering that be ane act of the Parliament, haldin at Edinburgh the 16 of November instant, commission is given to a certane nomber of the three Estates or anie fyve of thame, there being fyve at the least, quhairof one of everie estate, to treatt concerning suche of the articles of the treatie quhilks ar not yit concludit bot referred to be treatted betuix the Commissioners of both kingdomes, and that among these articles there is one anent what assistance salbe given be this kingdome for suppressing the said rebellion; and quhairas the whole Commissioners cannot be readie to repaire to England so soone as it is requisit some answer be given to the Parliament of England in this exigent of so great importance, thairfore the Lords of Privie Counsell have made choise of the Earles of Louthian and Lindsay, tua of the Commissioners nominat in the said Act, unto whome they have given a letter to his Majestie with certane articles and instructions for furthering and advanceing of the said assistance, who are to repaire to the King's Majestie and . . . . . Commission to the Earls of Lothian and Lindsay anent the Irish Rebellion.

[There is a hiatus in the register here.]

[1] Yester is added here in the Sederunts.

[2] It was only the circumstances of his position that constrained Charles to admit Gibson as a Privy Councillor. From the outbreak of the religious troubles he had taken a firm stand on the side of the Covenanting party.

Edinburgh, 22nd November 1641.

Lord Almond created Earl of Callander.

"A patent produced under the great seale creating the Lord Almont Earle of Callender, red, allowed and delyvered be the Chancellor to him-selfe, who ressaved it on his knees." Sederunts, February 1635-November 1643. Fol. 74, b.

The Laird of Arbuthnot created Viscount of Arbuthnot and the Laird of Balvaird created Lord of Balvaird.

"A patent creating the Laird of Arbuthnet, Vicount of Arbuthnet, and ane other creating the Laird of Balvaird Lord of Balvaird, presented, red, allowed, and in respect of the parties absence were both delyvered be the Chancellor to the Earle of Southesk, who ressaved thame on his knees."

Eodem die, post meridiam.

The Secretary and Sir James Galloway.

"A letter to his Majestie anent the Secretar and Sir James Galloway." Fol. 75, a.

Earl of Southesk and Lord Carnegie to be cautioners for the Earl of Traquair.

"The Earle of Southesk and my Lord Carnegie ordand to be ressaved as cautioners for the Earle of Traquaire, conforme to the Act of Parliament made thairanent."

The Earl of Findater, the Earl of Airlie, and the Laird of Banff.

"The quhilk day the Earle of Finlater and the Earle of Airlie and the Laird of Bamff, compeirand in presence of the Counsell, declared that thair wes no malice nor ill will betuix thame, and thairfore chopit hands and promist to keepe his Majesties peace one with another and to live as freinds oucht to doe."

The Commissioners to the English Parliament.

"A warrant to write the Commissioners of Parliament thair commission for England to the great seale."

Edinburgh, 23rd November 1641.

Sederunt:—Chancellor; Mar; Southerland; Eglinton; Cassillis; Kingorne; Finlater; Elphinston; Clerk Register; Advocate; Sir Robert Gordon; Wauchtoun. Sederunts, February 1635-November 1643. Fol. 75, a.

The Earl of Findlater and Lord Ogilvy.

"Letters direct aganis the Earle of Finlater and Lord Ogilvie for keeping the peace, finding caution for that effect, and for thair appearance before the Counsell the 24 of Januar nixt . . . . . .

[23rd] November 1641.

. . . . . Acta, November 1641–October 1646. Fol. 8, a.

. . . . . .

nor molest one another otherwayes than be order of law and justice under the pane of ten thousand merks, and that they find present caution actit in the books of Privie Counsell for this effect, certifieing thame that dois in the contrare that they sall be decerned to have encurred the said paine fra the date of the charge given for that effect, and letters salbe direct aganis thame for payment thairof in forme as effeires, and that they sall be farther censured and punished in thair persons and goods at the arbitriment of the Counsel."

Sir Donald M'Donald of Sleat to be cautioner for Angus M'Donald, apparent of Glengary.

"The quhilk day in presence of the Lords of Secret Counsel compeired personalie Sir Donald McDonald of Slait and became actit and obleist as cautioner for Angus McDonald, appeirand of Glengarrie, that he sall compeir personalie before the saids Lords this day eicht dayes and keepe warde within the toune of Edinburgh in the meane tyme, under the paine of ten thousand merks."

Acta, November 1641–October 1646.

Sederunt:—Chancellor; Argyl; Cassills; Murray; Morton; Seafort; Kinnoul; Levin; Clerk Register; Advocate; Treasurer Depute; Sir Robert Gordon; Innes; Sir William Douglas. Edinburgh, 30th November 1641.

Fol. 8, a.

"Forsameikle as the commission of Exchecker is not yit fullie exped bot is to be done with convenient diligence, and quhairas, in regarde of the surceasse of that judicatorie these diverse yeeres bygane, upon occasion of the late troubles, it is thought fitting that by warrant and auctoritie of the Lords of Privie Counsel (to whose care this mater is incumbent in respect the said judicatorie of Exchecker is not yit established) intimation sall be made to his Majesties good subjects in maner following; thairfore the Lords of Secret Counsel ordans letters to be direct chargeing officers of armes to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamation to intimat and declare to all his Majesties leiges and subjects that the said judicatorie of Exchecker is to conveene and meit at Edinburgh upon the eight day of Januar nixt, and at that tyme and thairafter to keepe thair ordinar diets of meiting for [exped]ing and componing of signators, for giveing order anent the collecting and uplifting his Majesties customes and imposts . . . the same, and als for discusseing and determineing in [all] actions and causes quhilks be the lawis of the kingdome and [acts] of Parliament are proper and competent to the said judic[atorie]; and to warne all persons haveing enteresse to attend the diets of the said judicatorie of the Exchecker in maner forsaid, with intimation as effeires." The Court of Exchequer, which has been in abeyance during the late troubles, to meet on 8th January next.

Fol. 8, b.

"Anent the supplication presented to the Lords of Secret Counsel be William, Earle of Marischal, makand mention that quhairin the tyme of the sitting of the late parliament the crowne, sword and scepter have beene in his keeping and possession, as due to the office of Marischal, and the parliament being now endit so that there is no more present use to be made of thame, humblie desyring thairfore the saids Lords to ressave the saids honors aff his hands and be act of Counsel to exoner him thairof, lykeas at more lenthe is conteaned in the said supplication: Quhilk being red, hard and considderit be the saids Lords and they weale advysit thairwith, the Lords of Secret Counsell, in respect of the production of the said crowne, scepter and sword instantlie made before the saids Lords be Arthour Straton, wryter to his Majesties signet, in name of the said Earle of Marischal, exoners the said Earle and his servants haveing charge under him of the saids three honors." William, Earl Marischal, relieved from the charge of the Honours.

"The quhilk day in presence of the Lords of Privie Counsel compeired personallie Robert Hepburne, advocat, and producit and exhibit before the saids Lords fyve keyis, quhilks he declared were the keyes of some roumes and kists in the castle, quhair the honors were in use to ly and were entrusted to his keeping be the Committee of Estates. Lykeas compeired personalie Arthur Straton, writer, and in name of the Earle of Marischal produced the crowne, sword and scepter, quhairof the The Honours exhibited before the Council and conveyed to the castle.

said Earle had charge the tyme of the late Parliament. Quhilks honors and keyis being sighted be the saids Lords, they ressaved the same frome the said Arthur Straton and Robert Hepburne and delyvered thame to Sir James Carmichael, Thesaurer Depute, to be layed up be him in the Castle of Edinburgh, and ordaned the Earle of Cassills and Laird of Wauchton to repaire to the Castle with the Thesaurer Deput to sie the honors layed; quhilk they accordinglie did, and reproducit the saids keyis, quhilks were then redelyvered to the Thesaurer Depute to be keept be him." Acta, November 1641–October 1646. Fol. 8, b.

Anent resetters of the Clan Gregor.

"The Lords of Privie Counsell gives warrand and commission to the Earle of Southesk, the Lord Elphinston, the shireff of Teviotdail and Sir Robert Gordon to conveene and consider the commission granted be the Committee of Estates to the Laird Innes and some others aganis the resetters of the Clan Gregor,[1] and to consider the proceedors of the Commissioners, and to report."

Edinburgh, 30th November 1641.

Apud Edinburgh *ultimo Novembris* 1641. *Sederunt*:—Joannes, Comes de Loudoun, Cancellarius; Archibaldus, Marchio de Argile; Willelmus, Comes de Morton; Joannes, Cassilissæ Comes; Jacobus, Moraviæ Comes; Georgius, Comes de Seafort; Georgius, Comes de Kinnoull; Alexander, Comes de Leven; Dominus Alexander Gibson de Durie, Clericus Registri; Dominus Thomas Hop de Craighall, Advocatus; Dominus Jacobus Carmichaell de Eodem, Thesaurarius deputatus; Dominus Robertus Gordon, miles; Dominus Willelmus Douglas de Cavers; Dominus Robertus Innes de Eodem.[2] Decreta, November 1641–October 1646. P. 1.

Complaint by Francis Edmonston, servitor to Captain William Douglas, against George Jardine, a deserter, who has illegally brought an action against the complainer.

Complaint by Francis Edmistoun, servitor to Captain William Douglas, as follows:—He was scriver to the said Captain's company at Newcastell, and one George Jardane, "being a runaway of this companie" for his more easy escape, forged a pass under the said Captain's hand. About Martinmas 1640 the complainer was sent home to bring up the fugitives of the company, especially the said George Jardane, and he went to Patrick Edmonstoun of Wolmet, master to the said George, who sent his servant, Alexander Ros, with the complainer, to apprehend him. When the time came for him to return to Newcastell, he went to the said George's house to desire him according to the public order of the Committee of Estates, to go back to his service, but the said George, as soon as he saw him and knew his errand, "drew his sword and uttered manie opprobrious speeches aganis him and putt him to his owne defence; at which tyme the said George alledges he receaved a wound on his hand." And now, when the complainer has come home from his service and matters are settled, the said George has raised letters against the complainer for mutilation. These letters he pleads should be set aside,

[1] "Aganis some persons in the North," is the wording of the entry in the Sederunts, fol. 75, b.

[2] Full sederunt at the commencement of a new volume.

Decreta, November 1641–October 1646. P. 2.

as the said wound (if any be) was given in the discharge of his duty, and the said George Jardane was a runaway, who by the orders of war deserved to die. Parties being summoned and both compearing, the Lords, after hearing them and severall witnesses, find "that the said George Jardane wes a runaway and that the persewer had commission to apprehend him and carie him back, and that anie wounds he receaved wes in opposing the said commissioun, and that he procured the same deservedlie," and therefore they ordain the Justice and his deputes to desert the criminal diet against the complainer, but reserve to the said George any lawful action he has against the said Francis for loss sustained in his goods.

Sederunts, February 1635–November 1643. Fol. 75, a.

"The Lords recomends to the Lord Chancellor to grant a commission for visiting the hospitall of Aberdene foundit be Gawin Dunbar, bishop thair, and to report thair proceedings to the Counsell." 30th November 1641. Aberdeen hospital.

"The cashet exhibit be Archibald Primrose and delyverit to the Lord Chancellor to be keeped be him." The King's Cashet.

Acta, November 1641–October 1646. Fol. 9, a.

Sederunt:—Chancellor; Levin, General; Argyl; Cassills; Murray; Seafort; Kinnoul; Southesk; Elphinston; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir Robert Gordon; Laird Innes; Wauchtoun; Provost of Edinburgh. Edinburgh, 1st December 1641.

"Forsameikle as there wes a commission granted be the Committee of Estates in the moneth of December last to James, Earle of Murray, James, Earle of Finlater, Sir Robert Innes of that Ilk, James Grant of Frewchie, James Creichton of Fendraucht, Allexander Dunbar of Westfeild, shireff of Murray, Sir William Forbes of Cragievar, Robert Cumyng of Alter, Thomas McKenzie of Pluscarden, Allexander Abercrombie, elder of Birkinbog, Sir Allexander Abercrombie his sone, and Robert Leslie of Finressie, or anie fyve of thame, the saids Earles of Murray and Finlater or suche as they sould appoynt for thame in thair absence being alwayes one of the quorum, for doing justice upon sorners, theeves, oppressors, lawlesse persons and thair ressetters, and for fyneing the delinquents whose states doe not exceed fyve hundreth merks of yeerlie rent, as in the said commissionmore fullie is exprest; quhilk commission, togidder with tua rolments of courts haldin be the saids commissioners (the one in the Tolbuith of Elgin in the monethes of Februarie and Marche last, quhairin the delinquents are convict and fyned conforme to the said commission, and the other at the Kirk of Keith in the moneth of May thairafter, quhairin they have procest and convict certane delinquents bot not fyned thame) being be the Lords of Privie Counsell referred to the tryell and examination of some of thair nomber, and they haveing this day made thair report thairanent, quhairwith the saids Lords being weele advysed and findeing the saids commissioners thair proceedings in the saids tua rolments to be honorable and just, conforme to the trust committed to thame be the said commission, they have allowed thairof Approval of the proceedings of the Commission for dealing with lawless persons in the North.

and ordans letters of horning and poynding to be past aganis suche as are fynned for payment to the commissioners of the saids fynes, conforme to the tenor of the said commission, upon a simple charge of tuentie dayes, and tuicheing suche as are procest and convict bot not fynned, the saids Lords ordans the saids commissioners to conveene and meet at thair best conveniencie in maner prescrybed be thair commission above-written, and to proceed and goe on in fyneing of the saids persons, and uplifting of the fynes conforme to the tenor of the said commission, quhairanent thir presents sall be to thame a warrant. Acts, November 1641–October 1646. Fol. 9, a.

Removal of the double duty on coal which had been imposed in June 1634.

"Forsameikle as the King's Majestie, being humblie petitioned in behalfe of the coalemaisters within this kingdome for ane cease of the double custome imposed in June 1634 upon all coalles exported furth thairof, and being thairwithall informed that since that tyme the trade of coals hath not onelie beene deserted by strangers, in regarde of the said extraordinarie imposition, to the undoing of manie of his Majesties poore subjects who had thair subsistence thairby, bot also to the utter ruine of the maisters of the saids coale works, and his Majestie, considering that he did no waye intend at that time to prejudge the trade or awners of the coalpots, and being yit unwilling to give anie just caus of discouragement to the maisters of the saids coaleworks, thairfore his Majestie, with advyce of the Lords of Secret Counsel, hes discharged and doth heirby discharge the said new custome in all tyme comeing, and declaris that no further custome salbe exacted heirafter then wes formerlie in use to be payed before the granting of the said warrand for the custome forsaid, and act of Counsell following thairupon in June, 1634; quhilk act of Councell the Lords of Privie Counsell doth heirby rescind and annul, and ordans the same and all that hath followed thairupon to be of no force nor effect in tyme comeing, bot to be voyde and null in thame-selfes, as if the samen had never beene. Followes his Majesties missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weelbeloved cousins and counsellers, right trustie and trustie and weilbeloved counsellers, wee greet yow weele. Being humblie petitioned in behalfe of the coalmaisters within this our kingdome for ane ease of the double custome imposed in June, 1634, upon all coalles exported furth thairof, wherby wee did no wayes intend at that tyme to prejudge the trade, or awners of the coalpots, yit being informed (as by the petition sent heirwith will appear) that since that tyme the said trade hath not onelie beene deserted by strangers in regarde of the said extra-ordinarie imposition, to the undoing of manie of our poore subjects who had thair subsistence thairby, but also to the utter ruine of the maisters of the saids coaleworks, to whome wee would be unwilling to give anie just cause of discouragement, wee, haveing taken the same into our royall consideration, are heirby gratiously pleased that the said new custome then imposed be fullie discharged in all tyme comeing; and for that effect it is our will and pleasure that yow give order for dischargeing the same and that no further custome be exacted then wes formerlie in use Fol. 9, b.

Acta, November 1641–October 1646. Fol. 10, a.

to be payed before the granting of our warrant, and act of Councill following thairupon in June, 1634, and to this purpose yow give suche further directions as salbe fund necessarie; for doing quhairof these presents (which wee will be registrat in the books of Councel) salbe unto yow, and others whome it may concerne, sufficient warrand. Wee bid you fareweele. Frome our Palace of Halyrudhous, the 15th of November, 1641."

Mr. John Rollock appointed Sheriff-Depute of Stirling.

"The quhilk day John, Earle of Loudon, Lord Heich Chanceller of this kingdome, produced and exhibit before the Lords of Privie Counsell ane gift under the Privie Seale of the date at Halyrudhous, the tent of November last, quhairby his Majestie, for the reasons mentioned in the said gift, hes made and constitutt Mr John Rollock, Commisar of Dunblane, shireff depute of the shirefdome of Stirline, and baillie depute of the Lordship thairof, dureing all the dayes of his lyftyme, as the said gift more fullie proports. Lykeas the said Mr John Rollock compeirand personalie before the saids Lords, and his Majesties favor and respect to him in preferring him to the said office and charge being intimat to the said Mr John, he with all dew reverence acknawledgit the same, and accepted the said office of shireff deput of Stirline and baillierie of the lordship thairof upon him, and gave his oath *de fideli administratione*."

Mr. William Hog appointed Sheriff-Depute of Haddington.

"The quhilk day John, Earle of Loudon, Lord Heich Chanceller of this kingdome, produced and exhibit before the saids Lords ane gift under the Privie Seale of the date at Halyrudhous, the first day of November last, quhairby his Majestie, for the reasons thairin mentioned, had made and constitutt Mr William Hog, advocat, shireff depute of Hadinton, dureing all the dayes of his lyftyme, as the said gift more fullie proports. Lykeas the said Mr William Hog compeirand personallie before the saids Lords, and his Majesties favour and respect in preferring him to the said office being intimat to him, he with all due reverence acknowledgit the same and accepted the said office of shireff depute of Hadinton, and gave his oath *de fideli administratione*."

Edinburgh, 2nd December 1641.

Sederunt:—Chancellor; General; Argyl; Mar; Cassillis; Murray; Dumfermline; Seafort; Kinnoul; Southesk; Dalhoushie; Angus; Sinclar; Elphinston; Balmerino; Clerk Register; Advocate; Justice Clerk; Sir Robert Gordon; Innes; Cavers.

Fol. 10, b.

Thomas Cunningham, factor at Campvere, commended to the favour of the town of Edinburgh.

"The Lords of Privie Counsell, haveing tane to thair consideration the singular good offices done to the publict these three yeeres bygone be Thomas Cunynghame, factor in Campheir, they find that he hes caried himselfe worthilie, and thairfore recommends the said Thomas to the favor of the toun of Edinburgh and remnant burrowis of this kingdome, that they may shaw him anie favor which they lawfullie can."

Alexander, Earl of Leven, admitted captain of the castle of Edinburgh.

"The quhilk day in presence of the Lords of Privie Counsell compeired personalie Allexander, Earle of Leven, Lord General, and producit and exhibit ane act of the last parliament under the hand and subscription of Sir Allexander Gibsone, yonger of Durie, Clerk of Register, of the date the 17 of November last, quhairby his Majestie, with advyce and approbation of the Estates of Parliament, nominated and elected the said Allexander, Earle of Leven, to be captane and keeper of the Castle of Edinburgh, quhilks his Majestie and the Estates ordaned to be putt and keept in the condition the same wes before the last troubles. Quhilk Act being red and considderit be the saids Lords, and they, acknawledging with all dewtifull respect the favor shawin be his Majestie and Parliament to the said Earle of Leven, did admitt the said Earle of Leven to be captane and keeper of the Castle of Edinburgh, conforme to the said Act, and thairby gave commission to John, Lord Balmerino, to repaire to the castle and sie the same delyvered to the said Earle. Lykeas the said Earle gave his oath for the faithfull discharge of the trust committed to him." Acta, November 1641–October 1646. Fol. 10, b.

Edinburgh, 2nd December 1641.

[Sederunt as recorded above.] Decreta, November 1641–October 1646. P. 2.

Complaint by John Stewart of Coldingham against Sir Robert Douglas of Blackerstone, whom he accuses of intromitting with his rents.

Complaint by John Stuart of Coldinghame, as follows:—He is greatly injured in his estate by the intrommission of Sir Robert Douglas of Blaikerstoun who has uplifted his rents for many years past. At the late Parliament he petitioned the Estates to call him to an account, and for this purpose they appointed a committee, but at their closing, the Parliament referred the matter to their Lordships. Sir Robert Douglas having been cited and he and the pursuer both compearing, the defender pled that no process could be granted at this time because the Lord Cranstoun and the heirs of the deceased Mr Robert Craig and others who were interested had not been cited. The Lords continue the matter until the 6th January next, and ordain all parties to be cited. The parties present are warned *apud acta*. P. 3.

Sinclair's regiment.

"The Lords recomends to the Generall the giveing of present orders for bringeing of Sinclars regiment from the north." Sederunts, February 1635–November 1643. Fol. 76, a.

Edinburgh, 3rd December 1641.

Sederunt:—Chancellor; General; Argyl; Murray; Dunfermline; Seafort; Kinnoul; Southesk; Elphinston; Balmerino; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir Robert Gordon; Innes; Sheriff of Teviotdale. Acta, May 1636–November 1636. Fol. 10, b.

Anent the trial of the Earl of Traquair as an Incendiary.

"The quhilk day in presence of the Lords of Secret Counsell compeired personallie, David, Earle of Southesk, and declared that conforme to the Act of Parliament the Earle of Traquaire wes willing to find caution actit in the books of Privie Counsell for his appearance before the Commissioners appoynted for trying the incendiaries and plotters; and that the Earle of Kinnoul and his Lordship were to be cautioners,

Acts, November 1641–October 1646. Fol. 10, b.

and desyred that warrand might be given for ressaveing of the said caution. Lykeas Sir Thomas Hope of Craighal, his Majesties Advocat, being lykewayes personalie present, did be command of the Lord Chancellor, in his Majesties name, intimat to the said Earl of Southesk, as cautioner forsaid, that the first diet of the Earle of Traquaires appearance before the saids Commissioners is and sould be the fourt day of Januar nixtocome; in respect of quhilk intimatioun the Lords ordans the cautioners to be ressaved in maner forsaid."

Fol. 11, a.

Instructions frome the Lords of his Majesties Privie Councel to the Commissioners direct be his Majestie and the parliament to England for concluding the articles of the remainder of the Treattie, etc.

Edinburgh, 3rd December 1641.

Instructions to the Commissioners who are to treat with his Majesty and the Parliament of England.

"First as concerning those articles quhilks were proposed and not concludit in the late Treattie bot were remitted to a new commission to be appoynted to that effect, yow are to insist thairupon and to endevor be all faire meanes to obteane the same as they ar conceaved, and to enforce the granting thairof by all the arguments and reasons whiche may conduce to that end. And, if the same cannot be obteaned, yow are to obteane so muche thairof as possiblie yow can, that you may make report thairof to the nixt Parliament. You are to remember the payment of the brotherlie assistance at the dayes appoynted, and to condiscend upon the maner of the saife convoy thairof, and the frame of the discharge to the Parliament of England upon the payment of the same; as also to try upon what termes the said brotherlie assistance may be advanced to us before the day of payment, either be the Parliament of England, or be anie others who will undertake the advancement thairof upon reasonable conditions. And thairwithall frome tyme to tyme to advertise the committee appoynted for the common burdens.

"As concerning the Yrish bussines, yow are to proceed thairin according to the particular instructions now given yow thairanent, and frome tyme to tyme to advertise the Privie Counsell of your progresse thairin that yow may ressave thair advyce before anie final conclusion be made."

"Anent the bussines of the Palatinat, yow sall acquaint us with his Majesties and the Parliament of England's resolution thairin, that wee may send yow full and particular instructions thairanent.

"You are to sie that the commission for conserveing of the peace betuix the tua kingdomes be drawin and exped according to that article of the Treattie.

"You are to labour dureing your abode thair by all meanes to keepe a right understanding betuix the Kings Majestie and his people and betuix the tuo nations, and to confirme that brotherlie affection begun betuix thame, to advance thair unitie be all lawfull meanes to the glorie of God and peace of the church and states of both kingdomes, and to prevent all jealousies and mistakings quhilk may aryse betuix thame.

"To render thanks to the Parliament of England for thair assistance given to this kingdome in the setling of the late troubles thairof, quhairin, nixt to the providence of God, and the Kings Majesties goodnes and justice, wee cannot bot acknawledge our selfes most beholdin to thair mediation and brotherlie kyndnes in manie respects, and especiallie in condiscending to the Kings Majesties doun comeing to us in the midst of thair greatest affaires, quhairof wee have tasted the sweit and comfortable fruits; and doe wish hartilie that they may have the lyke happines in his Majesties returne to tham; and for this end to profer your mediation for removeing all jealousies and mistaks quhilks may aryse betuix his Majestie and that kingdome, and your best endevors to the better establishment of the affaires and quiet of the samen for his Majesties honor and the good and peace of both kingdomes whiche are mutuallie enteressed in the weelfare of others. Acta, November 1641–October 1646. Fol. 11, a. Fol. 11,

"Yow ar to give frequent advertisments to us of your proceedings in the particulars above written, and to give us intelligence of all occurrences quhairin this kingdome may be anie wayes concerned. *Subscribitur*:—Loudon; Can^rius; Argyle; Cassils; Murray; Dunfermline; Kinnoul; Callander; Elphinston; Yester; Sinclar; Advocate; Thes^r Deput; Innes."

Thomas Cunninghame, factor in Campvere, recommended for the office of Conservator.

"The Lords of Secret Counsell haveing considerit the petition given in to thame be Thomas Cunyngham, factor at Campheir, desyreing that the Lords would recomend to the Commissioners of Parliament presentlie going to England to conclude the treattie to use thair best endevors with his Majestie for presenting of the said Thomas to the office of Conservator, and they, remembring the good offices done by the said Thomas to this his native countrie, and his abilities to undergo that charge and service, and with all the earnest desyre of the burrowis (whome the mater doth most concerne) that the said Thomas sall be preferred to [this] charge; thairfore the saids Lords hes recommendit, and be thir presents recomends this mater to the saids commissioners thair best care and instance with his Majestie, by all the lawfull wayes they can to procurre his royall warrant and grant of the said office to the said Thomas, quhairanent thir presents sall be unto thame a sufficient warrand."

Warrant to the Clerk Register, Advocate, Justice Clerk, and Treasurer Depute, or any two of them to pass bills when the Council is not sitting.

"The Lords of Secret Counsell gives warrand and comission to the Lords Register, Advocat, Justice Clerk and Treasurer Depute, or anie of thame, to passe all bills of summonds or citations before the Counsell that sall occurre dureing the not sitting of the Counsel, and to anie tua of thame to passe suspensions, advocations, letters of horning or others of that kynde, quhairanent thir presents salbe to thame warrand."

"The Lords of Secret Counsell, haveing considerit the comission exhibit to the Kings Majestie and Estates in the late Parliament anent the repressing of the dissorders in certane parts of the Hielands of this kingdome, togidder with the reference made be his Majestie and Estates of Parliament of the said commission to the Lords of Privie Counsel, with this declaration that whatsoever the saids Lords sall inact therein sall Fol. 12, a.

Acta, November 1641–October 1646.

have the auctorite, force and validitie of ane act of Parliament, and the saids Lords, haveing maturelie advysed and deliverit anent the tenor and
Fol. 12, a. particulars of the said commission, they have ordanit and ordans ane comission of the tenor afterspecifeit to be drawin up and past. Lykeas the same wes this day exped in Counsell, quhilk the saids Lords ordans to be insert and registrat in the books of Privie Counsell, and to passe the quarter seale, and ordans the same to be published, quhairof the tenor followeth.—Our soverane Lord, considering that in the late Parliament haldin at Edinburgh in the moneth of November last great paines wes taken anent some solide course for punisheing of malefactors and delinquents and for the peace and quiet of his Majesties good subjects, speciallie suche as dwell and resort within the Hielands of this kingdome, for whiche purpose it wes thought expedient that circuit courts of justitiarie sould be established within the shirefdomes afterspecifeit, for trying and punisheing of all theeves, sorners, robbers and thair ressetters within the saids bounds, quhairupon commission of justitiarie wes drawin up and exhibit to his Majestie and Estates of Parliament, who be thair reference of the 16 of November last did remitt the same to the Lords of Secret Counsell, with this declaration, that what the saids Lords sould conclude and inact thairin sould have the auctoritie, force and validitie of ane act of Parliament, as the said reference beires. And his Majestie, understanding that the saids Lords, after grave and mature advyce and deliberatioun in this mater, hes fund be thair act of the date of thir presents the necessitie and expediencie of granting commission in maner underwritten for the punishment of delinquents and good of his Majesties loyal subjects within the bounds following, thairfore his Majestie, with advyce of the saids Lords of Privie Counsell, ordans a commission to be past and exped under the testimonial of his Majesties great seale in due and ample forme, makeing, nominating and constitutting, lykeas his Majestie with advyce forsaid maks, nominats and constitutts Sir Thomas Hop of Kerse, his Majesties Justice General, Mr Allexander Colvil of Blair and Mr James Robertoun, advocat, his Majesties Justice Deputs, and faillieing of thame suche as the said Justice General sall deputte to the service after specifeit, and als the uther persons undernamed conforme to the division of the tua *quorums* aftermentioned, his Majesties Justices in that part within the ten shirefdomes following, viz:—The shirefdomes of Dunbartane, Stirline, Perthe, Forfar, Kincardin, Aberdene, Bamff, Elgine, Forres, Nairne, and Innernes:

Appointment of a Justiciary Commission for the suppression of crime in the Highlands.

Fol. 12, b. They are to say, for the said shirefdome of Dunbartane, Archibald, Marques of Argyle, William Semple of Foulwood, Walter M^c^Aulay of Ardincaple and Sir Umphra Colquhonn of Balvie; for the shirefdome of Stirline, the said Marques of Argyl, John, Earle of Mar, James, Earle of Callander, Sir Lodovick Houston of that Ilk, George Buchannan, fear of that ilk, and Mr William Cunyingham of Broomehil; for the shirefdome of Perthe, John, Earle of Athol, John, Earle of Perthe, Mungo, Viscount of Stormont, Sir Robert Campbel of Glenurquhie, Sir Thomas

Stuart, fear of Garntullie, Sir Mungo Campbel, fear of Lawers, Mr George Grahame of Inchbrakie, and James Stuart of Ardvorliche; for the shirefdome of Forfar, John, Earle of Kingorne, James, Lord Carnegie, Sir David Grahame of Fintrie, Sir John Areskene of Din, Sir Gilbert Grahame of Morphie, and James Wood of Babegno; for the shirefdome of Aberdene, George, Marques of Huntlie, William, Earle of Mairshel, George, Lord Gordon, John, Lord Areskene, Andro, Lord Fraser, Sir Allexander Irving of Drum, James Creichton of Fendraucht, Sir William Forbes of Craigievar, John Forbes of Leslie, Allexander Strachan of Glenkindie and Robert Ferquharsone of Innercald; for the shireffdome of Bamff, James, Earle of Findlater, James Creichton of Fendraucht, Sir Allexander Abercrombie, yonger of Birkinbog, Walter Barclay of Towie and Allexander Ogilvie of Kempcairn; for the shirefdomes of Elgine, Forres and Nairne, James, Earle of Murray, Sir Robert Innes of that Ilk, Sutherland of Duffus, Dunbar, shireff of Murray, shireff of Nairne, Thomas McKenzie of Pluscardie, James Grant of that Ilk, John Grant of Moynes, Hew Ros of Kilraock and Allexander Brodie of Letham; for the shirefdome of Innernes, James, Earle of Murray, George, Earle of Seafort, Maister of Lovat, William McIntosh of that Ilk, James Fraser of Bray, Mr Allexander McKenzie of Cilcouie and Duncan Forbes of Cullon; givand, grantand and committand to the forenamed persons and ilk *quorum* thairof afterspecifeit, his Majesties full power and commission to the effect underwritten, court or courts of justitiarie within anie of the shirefdomes forsaids or anie part thairof als oft as neid beis, to sett, affixe, affirme, hold and continow, and at suche tymes as they sall thinke expedient tuyse ilk yeere dureing the service of this commission, viz., at anie tyme fra the midst of Apryle to the last of May for that season of the yeere, and in August thairafter til the 15th of September nixt following; and to begin this service in the moneth of Apryle 1642, and to caus call and conveene before thame all and quhatsomever persons within the saids shirefdomes who sall be dilate guiltie of committing thifts, depredations, hearships, slauchters, murders and fyre raisings or who are denuncit rebells and fugitives for criminall causes, thair assisters, ressetters and partakers, and all and quhatsomever persons within the saids shirefdomes who are guiltie of ressetting and supplieing the saids theeves, rebells, fugitives and others persons forsaids since the committing of the crymes abonewritten, and who sall happin to supplie, mainteane and ressett thame and thair complices or anie of thame thairafter, contrare to the law and acts of parliament, to underly the law for anie of the crymes forsaids committed be thame, and to proceed thairin conforme to the order used before the Justice General and his deputs; and for that effect to charge thame by precepts and letters of horning to underly the law be opin proclamation at the parish kirk of the parish, within the whiche they doe most resort, upon a Sunday beforenoone, and at the mercat croces of the shirefdomes quhair they oftest

Acta, November 1641–October 1646. Fol. 12, b.

Fol. 13, a.

Acta, November 1641 - October 1646. Fol. 13, a. repaire, within sex dayes after the charge, whiche forme of citation is heirby declared to be als sufficient as if everie one of thame were charged personalie apprehendit, and, if they failyie, to denunce thame to the horne, and suche as sall happin to compeir to putt thame to ane assyse, and if they be convict to doe justice upon thame, either by death, banishment or otherwayes, as thair crymes doe merit and deserve, als weele in lyffe, lands as goods, conforme to the lawis of the kingdome, siclyke and in als ample and free maner as anie of his Majesties Justice Generals or Justices be commission within this kingdome hes beene in use to doe, use or exerce of before, be vertew of thair commissions and offices in that point at anie tyme bygane; assyses ane or mae, als aft as neid beis, to summond, warne, choose, and caus be sworne, and to caus charge the saids assysors to attend upon the saids justices be commission dureing the sitting of the saids justice courts, to passe upon the saids malefactors thair assyses, ilk person of inquest under the paine of ane hundreth merks *toties quoties* as they sall failyie; sutts to mak be callit, absents to unlaw and amerchiat, transgressors to punish, clerks, serjants, dempstars, procurators fiscalls and all other members of court neidfull to make, creat, substitutte and caus be sworne, upon and with the conditions after specifeit; decreits, judgments, rolments, acts, testimonies, precepts and others writts necessar thairupon to give out and the samen to due execution to caus be putt; escheits, unlawis, amerchiaments and other dueties and casualities of the saids courts quhatsoever to exact, uplift and ressave, and to apply so muche thairof to thair awne proper use as will beare thair charges in prosecutting of the premises, and to be comptable for the rest and superplus, if anie be, to his Majesties Exchecker, or anie whome they sall appoynt to that effect, and, if neid beis, to poynd and distrenzie thairfore be thair awne decreits and precepts of poynding as accords; and als with power to the saids com-

Fol. 13, b. missioners or anie *quorum* thairof to caus summond all parteis necessar within the saids shirefdomes, to come in and find cautioun for keeping the Kings peace in tyme comeing; with power to thame or either of the saids tua *quorums*, as said is, if neid beis, to remitt and pardon quhatsomever person or persons fund guiltie and convict before thame, if they find the same may conduce for the good and peace of the countrey; with this provision alwayes that the saids persons find caution to parties damnified be thame according to thair meanes, and for thair good behaviour in tyme comeing and that they sall passe thair remissions in forme as effeires; and generallie all and sindrie other things to doe, use and exerce anent the premises siclyke and als freelie in all respects as anie of his Majesties justices, generall or be commission, or thair deputs hes beene in use to doe in the lyke affaires at anie tyme bygane be vertew of thair offices in that part, promitten to hald firme and stable all and quhatsomever things his Majesties justices forsaids or anie *quorum* thairof in the due and lawfull executioun of thair offices in that part in the premiss righteouslie dois, bot prejudice to his Majesties

Advocat, and Justice Clerke, of thair offices and places in the saids justice courts and of thair priviledges thairof, quhilks sall not be prejudgit be vertew heirof; with this provision alwayes and no otherwayes, that if his Majesties said Advocat and Justice Clerke sall not have deputs under thame, being advertised of the diets thairof, be the space of tuentie dayes before to attend the saids commissioners in the execution of the said commission, then and in that caise it sall be lawfull to thame, and ilk *quorum* of thame to choose thair awne procurator fiscall and clerke in maner forsaid; and it is hereby declared that the saids commissioners sall divyde thameselfes in tua severall *quorums* as they thinke most expedient, haveing alwayes one of the justice deputs, or suche as sall be deput in thair places, present at ilk *quorum* at the expedition and execution of the forsaid service; and to the effect the saids Justice General and justice deputs and commissioners forsaids may accept the said commission upon thame and make faith *de fideli administratione*, his Majestie, with advyce of the saids Lords, ordans thame to meit and conveene at Perthe the first Wednesday of Apryle nixtocome, ilk person under the paine of fyve hundreth merks incaise of failyie, to the effect they may resolve upon thair division and makeing of the saids tua *quorum*, and thairafter to take suche course for thair proceedings in the premises as may best conduce for the weale and good of the service forsaid. And his Majestie, with advyce forsaid, ordans that at the first meiting the most part of the commissioners abonespecifeit sall be a *quorum* and ordans the saids commissioners and justices to report thair proceedings and diligence in the premises conforme to the tenor of this commission to the saids Lords of Privie Counsell tuyse everie yeere after the termes forsaids prescrybed for holding the saids courts. And, becaus it is thought expedient that six score men sall be leveyed for attending and assisting the executioun of the said commission alsweele for imbringing of malefactors to underly the law in the saids justice courts as for putting the sentences thairof to due and lawfull execution, thairfore his Majestie with consent of the Lords of Secret Counsel ordans the said nomber of six score men to be led under a captane and commander to be chosin be the saids commissioners or the most part of thame, unto whome his Majestie, with consent forsaid, gives full power to levey the said nomber of six score men, and to arme and provyde thame with all kynd of armes, as gunns, hacquebuts, pistolets and other warlyke furniture; with power to the said captane or commander of the said six score men to prosecutte with all hostilitie all and sundrie persons within the saids shirefdomes guiltie of the crimes forsaids or anie of thame, or who are denunced rebells and fugitives frome the lawis for criminall causes, thair assisters, partakers and ressetters, and all and everie person guiltie of the ressetting and supplieing of the saids theeves, rebells, fugitives and others criminall forsaids within the saids shirefdomes, since the committing of the crymes forsaids or who sall happen to mainteane, supplie and ressett thame and thair

Acta, November 1641–October 1646. Fol. 13, b.

Fol. 14, a.

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Fol. 14, a.

complices or anie of thame thairafter, and to bring thame in to the commissioners forsaids to underly the law for the saids crymes at suche tymes and places within the saids shirefdomes, as the saids commissioners sall thinke expedient, in maner and to the effect conteand in the said commission; and, if the saids rebells or others criminal forsaids or anie of thame sall flee to strenthes and houses, with power to the said captane and his companie to pas, follow and persew thame, asseidge the saids strenthes and houses, raise fyre, and use all kynde of force and warlyke engine that can be had for winning and recoverie of the same, and apprehending the criminals being thairin; with power to the captane to putt in warde and imprison all suche persons as he or his companie sall happin to apprehend be vertew of this commission, or els to bring thame to the commissioners forsaids to the effect justice may be execute upon thame as accords; ordaneing heirby all magistrats of burrowis to make thair jayles patent to the said captanes for imprisoneing suche as be his warrand sall be apprehendit and direct to thair prisons; and, if in execution of this service, it sall happen the criminalls forsaids or anie of thame to be hurt, woundit, mutilat or slaine, thair goods to be tane or fyre to be raised or anie other inconvenient to follow thairupon, his Majestie, with advyce forsaid, declars that the same sall not be impute to the said captane nor anie of his companie as cryme nor offence, and that they nor nane of thame sall be called nor accused thairfore criminallie nor civillie be anie maner of way in tyme comeing, dispenseing thairwith and with the carying of hacquebuts and pistolets *simpliciter* be thir presents; and generallie all and sundrie other things to doe, use and exerce quhilks of the law and consuetude of this realme for execution of this commission are knawin to apperteane: firme and stable holding and for to hold all and quhatsomever things sall be lawfullie done heirin. It is alwayes heirby declared that, if the said captane or

Fol. 14, b.

anie of his followers sall damnifie or wrong anie of his Majesties good subjects within the bounds forsaids in thair lands, rents, goods and geir dureing the tyme of thair service, in that caise, upon complaint of partie, they salbe haldin to repaire the losses of parties skaithed. And it is heirby ordand that the said captane and companie sall be susteaned, mainteand and have thair wages furthe of the fynes, amerchiaments and unlawis of the saids justice courts, if thair sall be anie reserved, the expenses of the judges and officers of court being first payed out of the saids fynes; and quhairin the saids fynes sall enlaike toward the payment of the said captane and his companie thair fees and allowances, ordans the same to be payed out of his Majesties Exchecker, quhilk his Majestie, with advyce forsaid, is gratiouslie pleased to grant for advancement of the said service; provydeing his Majesties Exchecker be no further burdend in payment of the said fees frome the beginning till the finisheing of this service at the next parliament, bot allanerlie for the sowme of ane thousand punds sterling and no further. And his Majestie, with advyce forsaid, ordans the com-

missioners to informe thameselves be all the lawful wayes and means they can of all rebells, criminalls and thair resetters forsaids, within the severall bounds quhairin they are commissioners, and of sufficient dittay to be given aganis thame, and ordans everie heretor within his awne bounds in the several shirefdomes forsaids to give up in roll the names of all theeves, sorners and others criminalls forsaids to the saids commissioners in thair severall shyres, and to give up particular dittay of the severall crymes quhairof they are guiltie, as the saids heretors will answer upon thair perrell, and thairafter the saids commissioners sall be haldin to give up a list of the names of the saids criminalls, quhair they dwell and resort, to the said captan and commander to be brought in be him before the commissioners to underly thair tryel; and ordans proclamation to be made of this commission at the mercat croces of the said borrowis of the shirefdomes forsaids and others places neidfull, quhairthrow nane pretend ignorance of the same, and to command and charge all and quhatsomever his Majesties lieges and subjects to reverence, acknawledge, obey, ryse, concurre, fortifie and assist the saids commissioners and captane of his companie, in all and everie thing tending to the execution of this commission, and to doe nor attempt nothing in the contrare, as they and everie one of thame will answer upon the contrare at thair heichest charge. And it is heirby declared that this commission sall no wayes be extendit to the bounds nor no part thairof, quhairof the Marques of Argyle is heretable Justice be his infeftment ratified in Parliament, bot that the saids haill bounds are and sall be expreslie excepted and reserved furthe thairof; and ordans this commission expyre at the nixt Parliament or sooner if the same sall be expreslie discharged be his Majestie and Lords of Secret Councel; and ordans the said commission to be farder extendit in the best forme with all clauss neidfull; ordaneing heirby the Director of the Chancellarie to wryte the same to the quarter seale *gratis* and the said Director of the Chancellarie to append the seale also thairto *gratis* without passing anie other registers or seales; quhairanent thir presents salbe a sufficient warrand. Given at Edinburgh, the thrid of December, 1641. *Subscribitur*, Loudon; Can[rius]; Murray; Cassills; Seafort; Kinnoul; Yester; Elphinston; Tho. Hope; Ja. Carmichel; J. Hamilton."

Acta, November 1641–October 1646. Fol. 14, b.

Fol. 15, a.

Orders frome the Counsel anent the levey of fyve thousand men for assisting Ingland to suppresse the rebellion in Ireland. 3 December 1641.

Order by the Council for the levy of 3000 men for service in suppressing the Irish rebellion.

"For the speedier raiseing of fyve thousand men for his Majesties service and assisting England to suppresse the rebellion in Ireland, it is thought expedient that the Lord General speake the commanders and souldiours of Major Monro and Lieutenant Collonel Homes regiments quhilks are yit on foote, and try if they be willing to goe on in this service, and, if there be anie of thame that be unwilling to go, and desires to be

Acts, November 1641–October 1646. Fol. 15, a.

licentiat, that the Lord Generall take course for leveying of so manie others as will make up the saids tua regiments to the nomber of tua thousand men. It is lykewayes thought fitt that order be given to the severall shyres for listeing of 3000 men, quhairof one thousand to be Hielanders according to the division following, viz.:—The burgh of Edinburgh 200 men, the shirefdome of Edinburgh 150 men, the shirefdome of Hadinton 150, Fyffe 200 men, Linlithgow 80 men, Berwick 150, Roxburgh 200, Selkirk 80, Peebles 80, Lanerk 250, Renfrew 80, Air 250, Wigtoun 150, Dumfreis 150, Perthshyre 200, Dumbartane, Bute and Braes of Stirline 108, Argyl 300, Innernes 300. It is thought fit that the Lord Generall take some course for appoynting of the colonels, lieutenant colonels, and majors, and that the captans, lieutenents and ensignes be chosin be advyce of the noblemen, gentlemen, and heretors of the shyres or councel of the burghs, according to the nomber and proportion of men to be sent out be the shyre or burgh, and that the captane be sent out of the shyre or bounds thairof that send out the greatest proportion, the lieutenant with the nixt proportion and the ensigne with the least, and that the serjants come with the captans and leiutenents, and that special care be had that the captans and leiutenents be souldiours who have served abroad in the warres, and at least, if the captane be a countrey gentleman, that the leiutenent be a souldiour who hath served abroad, and that all the souldiours, at least als manie of thame as may be of thame that were leveyed before.

Fol. 15, b.

And it is heirby declared that, before they be requyred to marche in this expedition, they sall have compleat payment of thair bygone arrears due to thame, and that thair pay sall be the same quhilk sall be allowed to the armie that gois out of England for that service.

"And if the nomber cannot be gottin compleat of the souldiours that were in the armie before, the lyke condition is heirby offered to others who sall be induced to goe for the tyme to come, and course sall be takin that everie souldiour fra he begin his march till he come to Ireland, quhair he is to enter upon the English pay, sall have sixpence a day and the officers proportionablie; and it is ordand that the forsaid particular nomber of men to be leveyed out of everie shyre be in redines to march within six dayes after the nixt advertisment, and suche of that regiment appoynted to be Hieland men, as sall furnish thameselfes with armes sall ressave satisfaction for the same frome the publict. And the rest of the souldiours to be leveyed by these alreddie on foote salbe furnished outt of the publict magasen."

Warrant to the Marquis of Argyll and others to seize ships for the transport of soldiers to Ireland.

"The Lords of Secret Counsell, for the more speedie and saffe transport of fyve thousand men to Ireland for suppressing the rebellion there, doth heirby give warrand to the Marques of Argyle, the Earle of Glencairne, provest and baillies of Glasgow, Dumbartan and Renfrew, and to the Lairds of Greenock, Newark, and Bishopton, for all ships, barks or boats betuix the Cloche ston and Irwing inclusive; and to the Lord Chanceller, Earle of Cassills, and provest and baillies of Air for all ships,

barks and boats of Air, to conveene, transact and agree with all the awners, maisters, skippers, saillers of ships, barks and boats within the former bounds respective for transporting of the armie to Ireland, with power to anie one of the noblemen within the bounds respective above-named to arreast the saids ships, barks and boats, and that they make report of thair diligence thairin betuix and the day of , and of what ships, barks and boats for transporting they can make sure, and of the conditions of the transport." Acta, November 1641–October 1646. Fol. 15, b.

Edinburgh, 3rd December 1641.

[Sederunt as recorded above, with the addition of Cassillis.] Decreta, November 1641–October 1646. P. 3.

Complaint by Anna Inglis, daughter of the deceased Thomas Inglis of Corsflat, against her husband, William Cunningham of Aiket, to whom she was married under constraint, for ill-usage.

Complaint by Anna Inglis, lawful daughter of the deceased Thomas Inglis of Corsflat and now spouse to William Cuninghame of Aiket, as follows:—The deceased Anna Peebles, her mother, having, after her father's death, married the deceased Allan Lokhart of Hessilheidwod, he, at Lammas, 1626, carried the complainer away when she was but twelve years of age to the place of Aiket, and there caused her to subscribe a contract of marriage with her said husband, and next day, by a warrant from the late pretended Bishop of Glasgow, she was married quietly in the kirk of Dunlop, "since whilk time now be the space of 15 yeeres he hes ever behaved himselfe most unkyndlie to the said compleaner, separating himselfe frome her companie and conversing with others suspect persons, for which he is under present censure before the Presbytery of Paisley. And whereas her said umquhill mother did enterteane her during her lifetime, now after her said mothers death she hes beene putt to great necessitie and extremitie in shifting for her life; lykeas her said husband hes most maliciouslie raised inhibition aganis her upon scandalous informations, and she hes often dealt with her freinds to move him to cohabite with her, which he did so long as they wer in companie with thame but thereafter removed, leaving the compleaner nothing to live upon, but cruellie strake her with his hands and feit diverse times. Lykeas in July, 1634, he, having remained foure dayes with her, he urged her to dispone her lyverent worth 40,000 merks; and because with reason she did refuse, he dang her head to the board, kuist her to the ground and left her for death; and ever since she has lived separat frome him." In July last she made a representation of her case to the Committee of Estates who appointed her to receive 200 merks for a month's maintenance, expecting that her husband would have lived with her before the expiry of that time and "used her christianelie, but he doeth still remaine in his old behaviour." She also remonstrated matters to the Parliament and sought a maintenance out of his estate, but they have remitted the matter to their Lordships. Both pursuer and defender compearing, the Lords, after hearing them, continue sentence until 6th January next, but meanwhile modify a payment of 200 merks to be made by him to her until that time, within four days, wherein if he fail he is to be compelled to pay twice that amount. P. 4.

Decreta, November 1641–October 1646.

P. 4.

Supplication by William McIntoshe of Torcastell, as master, the widow of Lachlan McIntoshe and William Miller and their remanent kin and friends, as follows:—On 20th September last John McDonald in Innergarie; John McDonald, his brother; Alexander McDonald in Culeachie, also his brother; Rorie McGillespick, John McOnill V^cEane, Alexander McGillespick, Alaster McOnill V^cGorrie, Dougal McConchie V^cInnes; Angus McGillichallum V^cConchie, Rorie Dow McInnes Roy, Donald McOnill V^cEane in Stronchroack, John McOnill in Achnadarrach, Allan McAllan V^cInnes and McAllan, his two sons; Angus McEane V^cInnes Oig in Kytirack; John Bayne McInnes V^cAlaster in Kilienane, John McEwin V^cEane Vstich in Fochim, John McInnes V^cRannald V^cAllan there, Donald Owir, his brother there; John

P. 5.

McOnill V^cEane Voir in Dam, Neil McOnill V^cEwin Roy in Kyltir, Donald McOnill Buy V^cEwin in Drynachan, John McEwin V^cEane Dwy in Laggan, Alaster Dow McOnill V^cAlaster V^cEwin, Alaster Beg, his brother; McGillespick McConchie, son to Gillespick McConchie, officer in Abirchallader, Angus McRannald V^cAllan in Ardbeg, Donald McEane V^cEwin Duy, Donald McInnes V^cAllan V^cInnes Voir, with their two uncles, Allans McInnes Voir, with others their accomplices, all kinsmen, tenants and servants to the Laird of Glengarie; as also Duncan McMartine *alias* Camron in Lettirfinlay, and John McRorie V^cConnochie in Stronaba, were all put to the horn for not finding caution in the books of adjournal to compear before the Justice on 16th October last and underlie the law for the cruel slaughter of the said Lachlan McIntoshe and William Miller, committed by them within the burgh of Inverness upon a Sabbath day; and they remain in their rebellion, having disposed of their means and gathered together in companies under one head, for the purpose of disturbing the peace of the country far more than they have hitherto done. The Laird of Glengarie, who is chief, master and landlord to these men, is presently in Edinburgh, and as he ought to be answerable for them and produce them to justice, it is craved that he may be dealt with according to the acts of Parliament, as the only means of bringing these rebels to obedience, and that he be committed to ward until they are produced or find sufficient caution for their compearance. It is further craved that the supplicants may have commission and letters of intercommuning against the said rebels. Angus McDonald, oy (grandson) to the Laird of Glengarie, being called to answer hereto, and he compearing, and the said William McIntoshe compearing by his brother Lachlan, the Lords, after hearing

P. 6.

parties, in regard of the known old age and infirmity "of the old Laird of Glengarie, being near ane hundreth yeeres of age," and that the said Angus, his grandson, is apparent heir of the estate, has the management thereof, and is followed and acknowledged by the whole tenants of the bounds, find that he is liable for the exhibition of these rebels. This being intimated to him and he ordained to find caution as above for the compearance of these persons in June next, and meanwhile for the

Complaint by William M'Intosh of Torcastle and others against the Laird of Glengary, who has failed to discharge his responsibility in producing before the Justice certain of his tenants who have been guilty of man-slaughter.

keeping of the peace, refused to do so. Wherefore the Lords ordained him to be committed to ward within the Castle of Edinburgh until he find the said caution and is relieved therefrom. They also grant letters of intercommuning against the rebels as craved. Decreta, November 1641-October 1646. P. 6.

Supplication by John Innes of Leuchars against the Earl of Murray, who prevents the supplicant from entry to the Castle of Spynie, of which the late Parliament had appointed him keeper.

Supplication by John Innes of Leuchars as follows:—By a patent ratified in the late Parliament his Majesty appointed him keeper of the house of Spynie, which for the past two years has been in possession of the Committee of Estates and held by them. He was about to enter upon possession, but is informed that the Earl of Murray, at least some of his servants at his direction, have violently taken possession of the said castle, putting out those who kept it in the Committee's name, and have put a number of men therein so as to debar the supplicant from entering. He therefore craves that their Lordships will take such order therewith that he may receive possession. The Lords, having heard the Earl of Murray, who was personally present, ordain the said house to be sequestrated in the keeping of Mr John Hay, provost of Elgin, till it be found who has best right thereto. They therefore ordain the said Earl P. 7. to be charged to deliver the said house of Spynie to Mr John Hay before 25th December next, and Mr John Hay to be charged to take care thereof, and his expenses are to be paid by the party who shall be found entitled to the house. This judgment is to be without prejudice to either party.

Edinburgh, 3rd December 1641.

Sederunt ante meridiem as in Acta, with the addition of Cassillis. Sederunts, February 1635-November 1643. Fol. 76, a.

Sir Donald M'Donald of Sleat.

"Sir Donald McDonald of Slait lycenced to goe home."

Edinburgh, 8th December 1641.

[No record of Sederunt.] Acta, November 1641-October 1646. Fol. 15, b.

Caution by the Earl of Traquair as an Incendiary, for his future good behaviour.

"The quhilk day in presence of the Lords of Privie Counsell compeired personalie Mr John Paip, advocate, as procurator for the principall and cautioners underwritten and gave in the band afterspecifeit, desiring the same to be insert and registrat in the books of Privie Counsell to the effect thairin contenit, quhilk desire the saids Lords findeing reasonable, they have ordant and ordans the same to be insert and registrat in the books of Privie Counsell, and execution to pas thairupon in forme exprest thairin; of the quhilk band the tenor followis:—Be it kend to Fol. 16, a. all men be thir present letters me, John, Earl of Traquair, as principall, and George, Earle of Kinnoul, and David, Earle of Southesk, as cautioners for me, to become bund and oblidged, lykeas be the tenor heirof wee bind and obleiss us, our aires and executors conjunctlie and severallie, that forsameikle as his Majestie and the Estates of Parliament, be thair act of the date the 16 of November last, hes declared that these incendiaries who were cited to the Parliament, and were at that tyme out of the countrey, in caise they sould returne to this kingdome sould find caution to behave thameselfes in suche a quiet manei

Acta, November 1641–October 1646. Fol. 16, a.

as may conduce most for the peace of the kingdome, and according to the acts of Parliament, and that they sall appeare before the commissioners appoynted be the King and Parliament for trying the incendiaries and plotters, or *quorum* of the saids commissioners conteaned in the commission granted heiranent whensoever and at suche tymes as they sall be requyred thairto, and that upon the findeing of this caution the saids persons sall have libertie of thair persons, ordaneing the same caution to be ressaved be the Lords of Privie Counsel as the said act (bearing this declaration that this act of caution sall onelie stand obligator aganis the cautioners dureing the tyme of the forsaid commission appoynted for the said tryel, quhilk endures onelie till the first day of Marche nixtocome) more fullie proports, conforme quhairunto witt yee us, the saids principall and cautioners, and our aires and executors, to be bund and oblidged, conjunctlie and severallie, as said is, for me the said John, Earle of Traquaire, that I sall behave myselfe in suche a quiet maner as may conduce most for the peace of the kingdome, and according to the acts of Parliament, wherein if I failyie, the favor granted to me be the King and Parliament to be null; as also that I sall appeare before the commissioners appoynted be the King and Parliament for trying the incendiaries and plotters, or *quorum* of the saids commissioners conteaned in the commission granted heiranent, whensoever and at suche tymes as I sall be requyred thairto, according to the tenor of the said act of Parliament in all poynts; lykeas I, the said Earle of Traquair bind and obleiss me and my aires to warrand and releive my cautioners of all skaith and danger they may incurre heirthrow for ever; consenting that thir presents be insert and registrat in the books of Privie Counsel to the effect execution may pas thairupon in forme as effeires, and for this effect constitutts Mr John Paip our procutars [*sic*]; in witnes quhairof wee have subscribit thir presents, written be Mr John Callender, servitor to Archbald Primrose, Clerke to his Majesties Privie Counsell, at Edinburgh, the eight day of December, 1641 yeeres, before thir witness, the said Archbald Primrose and Mr James M^c^Knath. *Subscribitur*, Traquaire, Kinnoul; Southesk; A. Primerose, witnes; J. Macnath, witnes."

Fol. 16, b.

Sederunt :—Morton; Eglinton; Dunfermline; Kinnoul; Callander; Yester; Balmerino; Clerk Register; Advocate; Provost of Edinburgh. Canongate, 22nd December 1641.

Morton chosin to be Preses of this meiting.

"The quhilk day the Lords of Privie Counsell, haveing seene and considerit the letter direct frome the Lord Chanceller to the Lord Advocat, with the papers and depositions enclosed thairin, concerning Captane Winter, they thinke fit, and accordinglie ordans the said Captane to be committed to warde within the Castle of Edinburgh, thairin to remaine upon his awne expenss till the Lord Chanceller, be advyce of the Counsell, give farther directions concerning him. And the Lords Captain Winter committed to ward in the Castle of Edinburgh.

recommends to the Provest of Edinburgh to sie the said Captane committed, as said is, and to seale his cabinets or coffers where his writts are, to be made furthcommand as the Lords sall have occasion to call for thame." Acta, November 1641–October 1646. Fol. 16, a.

Edinburgh, 5th January 1642.

Sederunt:—Chancellor; Cassils; Dumfermlin; Lauderdail; Kinnoul; Weemes; Dalhoushie; Angus; Burley; Clerk Register; Justice Clerk; Treasurer Depute; Wauchtoun; Dundas; Provost of Edinburgh.

Captain Winter's box to be produced before the Council.

"The Lords of Secret Counsell ordans and commands the Provest of Edinburgh to produce and exhibit before the Counsell the morne the box or cabinet perteaning to Captane Winter and quhilk wes sealled be the Clerk of Counsel, and is presentlie in a dresser almerie in Eufame Wilsones hous."

Appointment of Committee to examine Captain Winter's men.

"The Lords of Secret Counsel nominats and appoynts the Earles of Cassills and Lauderdail, the Lord Burley, the Clerk of Register, the Lairds of Wauchtoun, Dundas, and Provest of Edinburgh, or anie three of thame, not excluding anie of the Counsel, to examine Derbie, Schannagan and Captane Winter's boy, now prisoners within the Tolbuith of Edinburgh, and to report thair depositions to the Counsell."

Registers in the Castle of Edinburgh to be examined.

"The Lords recommends to the Lord Chanceller and Earle of Lauderdail to view the registers being within the castle of Edinburgh upon Fryday nixt, and ordans Mr William Hay, sone to the late Clerk of Register, to attend and be present with the keyes of the roumes and presses quhair the saids registers doth ly." Fol. 16, b.

"Proclamation anent the dyets of the Counsell."

Meetings of Council.

Sederunts, February 1635–November 1643.

Letter from the Earl of Lothian.

"A letter from the Earle of Lothiane to the Counsell anent his proceedings in his commission in England." Fol. 76, b.

Payment of the regiment of Major Monro and Lieutenant-Colonel Home.

"The Lords recommends to the committee for the commoun burdens to give order that compt and reckoning may be made with all diligence with Major Monro and Lieutenent Colonell Home anent the moneyes dew unto thame and thair regiment for byganes, and report made thairof to the Counsell upon Tuisday nixt."

Letter from Viscount Chichester anent British soldiers in Ireland.

"A letter to the Counsell from the Vicount Chichester and some others in Ireland anent the furnishing of some armes to James Edmonstoune, Esquire, upon his band, for the use of the Brittish in Ireland aganis the Yrish; quheranent ordanis the Generall of the Artillerie to be warned to the morne at 2 houres, quherof intimation wes made to the said James Edmonstoun." Fol. 77, a.

"The Lords continewes all actions till the morne afternoone."

Bryce Sempill continued in sheriffship of Renfrew and bailliary of Paisley.

"A letter from his Majestie for continewing Bryce Sempill in the shirefship of Renfrew and baillerie of Paisley for three yeares, quherof the Counsell will take notice at the election of the shireffs."

Acta, November 1641-October 1646. Fol. 17, a.

Sederunt:—Chancellor; Eglinton; Dumfermlin; Lauderdail; Kinnoul; Weimes; Dalhoushie; Callander; Angus; Yester; Burlie; Balcarras; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas. Edinburgh, 6th January 1642.

Permission to Viscount Chichester to purchase arms in Scotland for the use of the soldiers in Ireland.

"Forsameikle as the Lords of Privie Counsell, haveing at lenthe hard and considerit the missive letter direct unto thame be Eduard, Vicount Chichester, Captane Arthur Chichester, his eldest sone, Sir Arthure Tirringhame, knight, one of his Majesties Privie Counsell of Ireland, and Arthure Hil of Kilwalden in the countie of Doune, Esquyre, togidder with the letter of attorney given be thame to Mr James Edmestoun of Brodiland in Antrim, to bargan and buy for thair use aganis the rebells in Ireland, ane thousand muskets with bandeliers, tua thousand swords, fyve hundreth and fiftie picks, fyve hundreth horsemen peeces with snaphances, or, for want of suche, fyve hundreth carabynes and three feild peeces of three or foure pund bullet, upon suretie to be given be the attorney in thair names to suche as sall furnish the saids armes within this kingdome, that the saids Lords, in regarde of the present necessitie for his Majesties good subjects in Ireland, finds it expedient that they be furnished with suche armes as may be best spaired furthe of the publict magazen, and recommends to the Committee for the common burdens to condiscend anent the quantitie and nomber of armes to be given and prices quhairof, and to take suretie thairfore as they sall thinke fitting, and accordinglie to give warrand for delyverie of the armes condiscendit on."

Decreta, November 1641-October 1646. P. 7.

[Sederunt as recorded above.] Edinburgh, 6th January 1642.

Complaint by Sir Alexander Menzies of Weme against Patrick Murray, one of the Clan M'Gregor, for forcibly taking possession of a portion of the complainer's lands.

Complaint by Sir Alexander Meinzeis of Weme, as follows:—"The oppressions and barbariteis, committed be the Clangregour aganis his Majesteis good subjects and the compleanner and his tennents in speciall these manie yeares bygane," are not unknown to their Lordships, and they have now begun to renew them in the time of the late troubles. Not only so, but, "when as a happie peace wes settled be his Majestie and the Parliament, Patrik Murrey (who aganis the Acts of Counsell doth also designe himself M^c^Gregour) within these fourteene dayes did send ane impeerious charge and command to the compleanner to possesse the said Patrik in the lands of the Rannache perteaning to the compleanner," and, because he refused, the said Patrik on November came with forty or fifty of "his lawlesse and brokin clan, armed with all sort of hostile furniture and settled himself doun upon that part of
P. 8. the compleanners lands of the Rannoch called Kinclachrie and others roumes there," and there they yet remain, uplifting his rents and sorning upon and oppressing his tenants, as if the arm of justice was not able to reach him. Charge having been given to the said Patrick Murrey, as party, and to Duncan Meinyeis *alias* M^c^Gregour in Learg, John

McAlexander VcInnes in Aulich, John McKeinyie Ure there, Duncan McIndou VcCondochie in Lerane, Donald McAulay Roy in Killechoundonie, John Sinclar in Camserachoie Beig, Gillandreis Beig in Innercomre, and John McErcher there, as witnesses; and the pursuer compearing, by Meinyeis, his son, but neither the defender nor the witnesses compearing, the Lords ordain both defender and witnesses to be put to the horn. Decreta, November 1641-October 1646. P. 8.

Edinburgh, 6th January 1642.

Anent the maintenance of soldiers by the English.

"A letter frome the Commissioners at Londoun anent the interteanement of the forces heir on foot be the English from the 8 of December to the end of the treatie." Sederunts, February 1635-November 1643. Fol. 77, a.

Sheriffs to be continued in their offices.

"A letter frome the Secretar to the Advocat (quhilk the Advocat produced) declaring that it is his Majesteis pleasure that the shireffs be continued this yeere." Fol. 77, b.

Conjunct commission of the Middle Shires.

"The Lords ordanis the Erle of Dalhoussie, the Lord Angus, the Justice Clerk and Laird of Wauchtoun to peruse the list givin in be the Advocat of the names of the Commissioners to be insert in the conjunct commission of the Middle Shires and to advise thereupon with the Lord Cranstoun, the Shireff of Tiviotdaill, and such others as they thinke fitting, and to report to the Counsell thair opinion upon Tuisday nixt."

Hours appointed for common business.

"The Lords declares the ordinar time of thair meiting for commoun affaires betuix partie and partie to be at twa houres, and to sitt till fyve at night and no longer, except in the publict service of the King and countrie."

Edinburgh, 11th January 1642.

Sederunt: — Chancellor; Leven; Argyl; Cassills; Glencairne; Murrey; Dumfermlin; Lauderdail; Southesk; Weemes; Dalhoushie; Angus; Sinclar; Burley; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas; Morphie; Provost of Edinburgh. Acta, November 1641-October 1646. Fol. 17, a.

Captain Winter's box. See *ante*, p. 176.

"The Lords of Privie Counsell recommends to the Lord Chanceller, the Earle of Lauderdail and Lord Burley, or anie tua of thame, to opin Captane Winters coffer, quhilk wes this day exhibit in counsel be the Provest of Edinburgh, and to peruse the haill writts and papers being thairin, and to report to the Counsell what they find thairin, and ordans a maisser of Councel to passe to Captane Winter and to requyre the key of the boxe frome him, that the same may be opened and not broken up."

Edinburgh, 11th January 1642.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 8.

Complaint by Robert Hay of Strowie, and Francis and Robert Hay, his sons, against Robert Coventry in

Complaint by Robert Hay of Strowie, and Francis and Robert Hay, his sons, as follows:—Upon 16th October last Robert Coventrie in Little Feildie, George Coventrie, his brother, and George Fothringhame in Balmanno, P. 9. "boddin with stings, trees and long durkes, came to the ground of the lands of Parise where the compleanners wer in peaceable maner attending thair

Decreta, November 1641-October 1646. P. 9.

affaires, and without anie offence done be thame to the saids persons pursued thame of thair lyffes. And the said George Coventrie first strake the said Robert Hay, elder, upon the head with a gad and brake the same upon him. Thereafter the said Robert Coventrie drew a long durk and gave him twa strokes therewith on the head, another in at the short ribs and another in at the thigh, wherewith he having fallen to the ground and foundered, they gave him other twa bloodie wounds with thair saids durkes on his legges and cutted his cloaths in six parts. Lykeas the said Robert Coventrie strake the said Francis Hay on the head with a durk, and the said George Fothringhame felde the said Robert Hay, younger, with a tree so as the blood came out of his mouth, and they gave him a cruell strake with a durke in at the left side foure inche deepe, and another on the thigh, so as he and his father lay thereafter six weekes bedfast without hope of recoverie, and by this meanes thair cornes wer neglected and lost, to thair heavie hurt and prejudice." Charge having been given to the said Robert and George Coventrie and George Fothringhame, and both pursuers and defenders compearing, the latter "confest that there wes some squabling and strokes betuix thame and the persewers the time libelled." The Lords, having heard parties and certain witnesses, find the complaint verified and ordain the defenders to be warded in the tolbooth of Edinburgh upon their own expenses until their Lordships release them.

Little Feildie, and others for assault.

P. 10.

Sederunts, February 1635-November 1643. Fol. 77, b.

"A letter frome the Commissioners at Londoun to the Counsell anent thair proceedings in the Yrish bussines, with twa papers of articles givin in be the Commissioners to these appointed to treate with thame in England. The Lords nominats the Erles of Leven, Cassills and Southesk, the Lord Burlie, the Lord Register, the Lairds of Wauchtoun and Morphie or anie three of thame, with the said Erle of Leven, to meit the morne at ten houres and to confer the saids articles with the instructions givin be the Counsell to the saids Commissioners and to report upon Thursday."

Edinburgh, 11th January 1642. Letter from the Commissioners in London anent the Irish rebellion.

Fol. 78, a.

Sederunt:—Chancellor; Leven; Marquis of Argile; Cassills; Glencarne; Lauderdaill; Southesk; Wemes; Angus; Sinclair; Burlie; Balcarras; Clerk Register; Justice Clerk; Wauchtoun; Dundas.

Edinburgh, 13th January 1642.

"The Lords, having heard the report of the committee appointed for comparing the propositions givin in be the Commissioners at Londoun to the English with thair instructions, they find the saids Commissioners hes faithfullie discharged thair trust, and thairupon a generall letter wes writtin to thame."

Approval of the conduct of the Commissioners in London.

"The Lords continewes the dyett appointed to the Erle of Galloway and toun of Wigtoun anent thair submission till the first of Februar nixt."

The Earl of Galloway and the town of Wigtown.

Edinburgh, 18th January 1642.

Sederunt:—Chanceller; Leven; Argyl; Mar: Cassills; Glencairne; Kingorne; Lauderdail; Southesk; Weemes; Dalhousie; Angus; Burley; Balcarres; Clerk Register; Advocate; Treasurer Depute; Dundas; Provost of Edinburgh. Acta, November 1641–October 1646. Fol. 17, a.

Continuance of sheriffs in their offices for the remainder of the current year.

"Forsameikle as the King's Majestie, haveing these diverse yeeres bygone (through the distractions of the tymes) omitted the prickeing of the shireffs which are at his Majesties nomination in the ordinar forme, and seing for this yeere thairof there is so much past alreddie, his Majestie cannot convenientlie make choice of new, yit, least his subjects sould suffer be want of justice and his Majestie lykewayes be prejudgit in his awne particular service, his Majestie, with advyce of the Lords of Secret Counsell, hes continowed and be the tenor heirof continowis Sir John Dalmahoy, late shireff of Edinburgh, Sir John Achinmoutie, shireff of Hadinton, the Laird of Swinton, shireff of Berwick, Mr George Dundas of Maner, shireff of Lithgow, the Laird of Lag, shireff of Dumfreis, shireff of Dunbartan, the Laird of Fintrie, shireff of Forfar, the Laird of Baltheyock, shiref of Perthe, Allexander Hamilton of Hags, shiref of Lanerk, Sir Allexander Irving of Drum, shireff of Aberden, Sir Allexander Abercrombie of Birkinbog, shireff of Bamff, Thomas Fraser, elder of Streachin, shireff of Innernes, James Jonston of Corsheid, stuart of Annerdail, Foullerton of Dreghorne, baillie of Kylestuart, and Bryce Semple of Catchart, shireff of Renfrew and baillie of Paisley, in thair severall offices of shirefship within the particular shirefdomes, stuarties, and bailliaries abovewritten for the remainder of this present yeere and till the ordinar tyme of election, and ordans letters to be direct chargeing the persons particularlie abovewritten to attend thair severall offices and services and to goe on in all and everie thing quhilk concernes the faithful discharge of the same, as they respect his Majesties obedience and service and weele of the countrey, and will answer on the contrare at thair heichest perrell; and ordans publication to be made heirof at the mercat croces of the heid borrowis of the shirefdomes abovewritten quhairthrow nane pretend ignorance of the same, and to command and charge all his Majesties leiges and subjects of whatever ranke and qualitie soever to reverence, acknawledge, obey, concurre and assist the saids shireffs and thair deputs in everie thing conduceing to the furtherance of thair service, under all heichest paine and charge that after may follow. Followis his Majesties missive direct to the saids Lords for warrand of the Act abovewritten:—CHARLES R.—Right trustie, etc., Haveing these diverse yeeres by past (through the distractions of the tymes) omitted the prickeing of the shireffs in the ordinarie forme, and seing for this yeere (quhairof there is so muche past alreddie) wee cannot convenientlie make choise of new, yit, least our subjects sould suffer throw want of justice, and wee lykewayes prejudgit in our awne particular service, wee have heirby thought fitt to requyre yow to continow suche as are alreddie in place. And in caise there be anie Fol. 17, b.

Acta, November 1641–October 1646. Fol. 18, a.

wanting, either be deceasse or inabilitie, we doe heirby lykewayes authorise yow (whiche wee declare sall be no president for the future) to make choice of suche able and qualified men in thair plaices for the remainder of this present yeere as yow in your judgments sall thinke fit; and for your so doing these presents (whiche wee will be registrat in our books of Councell) sall be unto yow sufficient warrant. Wee bid yow fareweele. Frome our honor of Hampton Court, the 11 of Januar 1642, *stilo Scotico*.

Decreta, November 1641–October 1646. P. 10.

[Sederunt as recorded above.]

Edinburgh, 18th January 1642.

Complaint by George Bruce of Carnock and others against Sir John Blackadder of Tulliallan for contempt of horning.

Complaint by George Bruce of Carnock, Mr Robert Bruce, his brother, and John Rynd and James Murrey, younger, merchants, burgesses of Edinburgh, as follows:—On 7th June last Sir John Blacader of Tulliallane was put to the horn at thair instance for not removing from the place, lands and barony of Tulliallane, and at this horning he P. 11. proudly and contemptuously remains, taking no heed thereto. The said George Bruce, compearing by Peter Algeo, his procurator, and the other three pursuers and the defender personally, the Lords, after hearing parties, ordain the defender to enter in ward within the Castle of Blacknes, and he and the keepers of his house of Tulliallane to deliver the same to the herald or pursuivant who shall execute this charge, and that within six days upon pain of treason.

Supplication by Sir John Blackadder for postponement of judgment in the case of the above complaint.

Supplication by Sir John Blacader of Tulliallane, as follows:—He has been cited to compear this day at the instance of the said George Bruce and certain merchants of Edinburgh, but, whereas there have been some documents drawn up between them in reference to a settlement which are in the hands of the Earl of Airth whose presence and the production of these writs would satisfy their Lordships and remove P. 12. the ground of this complaint, he craves a continuance of the matter until Thursday come eight days, so that the Laird of Airth may attend and that he may have a protection meanwhile. The Lords, in respect of their foregoing decree, supersede the outgiving thereof till this day eight days that in the meantime he may do his best to give his creditors satisfaction.

P. 13.[1]

[1 Omitted at its proper place in the Register.]

Complaint by Robert, Earl of Nithsdale, against James Johnston of Westerhall for intruding himself into the house of Langholm and certain lands belonging to the complainer.

Complaint by Robert, Earl of Nithsdaill, as follows:—In the articles of capitulation between the said Earl and Lieutenant-Colonel Home, authorised by the Committee of Estates, there is one anent the restitution of the goods taken from him and his tenants, "That what course sould be tane with others of thair conditioun sould be taken with thame"; and there was another article condescended upon by the said Lieutenant-Colonel upon his oath and promise, "That his hous of Langholme sould be delivered to him the very first night after his departure frome Carlaverock." But, contrary thereto, James Johnestoun of Westraw, taking advantage of the late troubles, has intruded himself into the lands underwritten possessed by the said Earl and his tenants, and of

which he and his predecessors have been in peaceable possession past memory of man, viz.,—the five merk land of Bagnay possessed by Hector Cranstoun; the five merk land of Arkin and five merk land of Quhitscheills and Tiffetsheills possessed by William Armestrang, younger of Kirktoun; the ten merk land of Stenhous Water and two merk land of Little Harperquhat possessed by Archibald Thomson in Boikin and his tenants; the five merk land of Throchhope possessed by Adie Armestrang and John Greene and their tenants; the five merk land of Maydoull possessed by Ninian Armestrang and his tenants; and the seven merk land of Bilholme possessed by Archibald Thomesone in Holl and his tenants; and he threatened and compelled them to give up their possessions to him, bringing for this purpose John Richartsone, messenger, "to putt out the fire and to kindle the same in his owne name, as if he did all be order of law. And in like maner with a number of souldiours, armed with gwnnes, musketts and all other warlike provision, the said James manned the said Earles hous of Langholme and keepes the same as yitt, notwithstanding he wes required to deliver the same be Captane Arnot according to the capitulatiou." The Earl remonstrated the matter to his Majesty and the late Parliament, and they, by their act dated 16th November last, remitted the matter to their Lordships. Charge having been given to the said James Johnestoun of Westraw, and the Earl compearing personally, but the defender by Mr Laurence Oliphant, advocate, his procurator, and they and certain witnesses having been heard, the Lords find that in the year 1640, "about the time of the besieging of the hous of Carlaverock, James Johnestoun of Westraw intruded himselfe in the possession" of the lands named and possessed as above, and also in the house of Langholme, of all which the said Earl and his tenants were formerly in possession and specially for the past twenty years, wherein the said James Johnestoun has done wrong. Therefore the Lords ordain him to remove himself and his followers therefrom, so that they may be peaceably possessed by the said Earl as formerly without trouble or molestation. And the Lords ordain the Sheriff of Dumfreis or messengers, one or more, to see the same done.

Decreta, November 1641–October 1646. P. 13. P. 14. P. 15.

Edinburgh, 18th January 1642.

Appointment of committee anent the service of Scottish soldiers in Ireland.

"The Lords recommends to the Generall, the Erles of Mar and Glencarne, the Lords Angus, Burlie and Balcarres, and the Laird of Dundas or anie three whom the Generall pleases to call to himselfe, to meit in the forenoones or afternoones as they find occasion and to consider and peruse the reports givin in be the shires anent the Yrish supplie and to thinke upon the best wayes and meanes for accelerating of the said supplee, if the same sall be craved, and to sett doun thair opinion in everie thing quhilk may conduce to the good and furtherance of the service, and to report to the Counsell at thair best conveniencie."

Sederunts, February 1637–November 1643. Fol. 78, a.

Meeting anent the copper coin.

"The Lords appoints a meeting of Counsell to be on Thursday nixt in the new Excheker hous at ten of the clocke in the forenoone to consult and advise anent the course of the copper coyne, and recommends to the provest of Edinburgh to confer with some of the most under-

Fol. 78, b.

Sederunts, February 1635-November 1643. Fol. 78, b.

standing merchants in the toun and to caus thame to attend the Counsell the said day."

"The Lords recommends to the provest of Edinburgh to represent to the toun counsell the great abuses committed within thair toun in exorbitant prices sett upon commoditeis and exacted frome the lieges attending upon the Counsell, Session and others judicatoreis, and to see the same redressed." High prices of commodities in Edinburgh.

Acta, November 1641-October 1646. Fol. 18, a.

Sederunt:—Chancellor; General; Argyle; Mar; Cassills; Glencairne; Kingorne; Southesk; Dalhoushie; Finlater; Angus; Burley; Balcarres; Clerk Register; Advocate; Treasurer Depute; Dundas. Edinburgh, 20th January 1642.

"The quhilk day Mr William Hay, one of the Clerks of the Session, haveing be command of the saids Lords and in name of Sir John Hay, late Clerk of Register, his father, produced before the Counsell the keyes of the roumes in the Castle and Exchecker Hous, quhair the publict registers are keept, the same were furthwith delyvered be the Lord Chanceller to Sir Allexander Gibson of Durie, present Clerke of Registers, who, being personalie present, accepted the same and immediatelie thairafter redelyvered the same to the Lord Chanceller to be keept till the registers and writts being in these roumes sould be inventard; and protested that he might be free of anie harme or skaith quhilk might in the interim befall to the saids registers or writts or anie of thame. And the saids Lords of Privie Counsell gives commission be thir presents to the Earles of Lauderdail and Findlater to call for the said Sir John Hay or to goe to him, as they sall find expedient, and to take his oath that he hes delyvered all the registers quhilks he ressaved and that none of thame is to his knawledge abstracted. Quhilk oath being made and returned to the Councell, the Lords declars they will pas ane act of exoneration in favours of the said Sir John Hay." Anent the Public Registers.

"The quhilk day the Lords of Privie Counsell, according to his Majesties letter direct unto thame, nominat Sir William Scot of Harden to be shireff of Selkirk for the remainder of this yeere, and Sir Hew Campbel of Cesnok to be shireff of Air, and accordinglie past commission to thame." Sir William Scott of Harden appointed Sheriff of Selkirk and Sir Hew Campbell of Cessnock Sheriff of Ayr.

Decreta, November 1641-October 1646. P. 12.

[Sederunt as recorded above.] Edinburgh, 20th January 1642.

Supplication by Robert and George Coventrie, and by George Fothringhame, their servant, as follows:—On the 11th instant their Lordships committed them, at the instance of Robert Hay and his sons, to ward in the tolbooth of Edinburgh, "where they have lyin miserablie without fire or light as malefactors, and they ar but poor labourers of the ground, unable to interteane thameselves long in this prissoun, and what they did they wer necessitat thereto in thair just and necessar defence which Supplication by Robert and and George Coventry that they may be freed from ward in the Tolbooth of Edinburgh on the ground that they are

poor labourers and cannot maintain themselves. See *ante*, p. 178.

they could not eshew without hazard of thair lyffes," and they now crave that their Lordships would give order to the provost and bailies of Edinburgh to liberate them. The supplicants being personally present and having enacted themselves to remove at Whitsunday next from the lands where they presently dwell and not to take other lands nor dwell within four miles of the said Robert Hay under the penalty of 500 merks, and also in the same penalty to discharge hereby all actions at thair instance against the said Robert Hay in this matter, and with respect to the corns which were on the ground, and that they will not molest the said Robert Hay nor his three sons, nor their tenants and servants, the lords give order for their being put to liberty.

Decreta November 1641-October 1646. P. 12. P. 13.

Edinburgh, 24th January 1642.

Sederunt:—Chancellor; Argyle; Cassils; Glencairne; Lauderdail; Southesk; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; provost of Edinburgh.

Sederunts, February 1635-November 1643. Fol. 79, a.

Edinburgh, 24th January 1642.

Oath by Sir John Hay, late Clerk Register, that he has delivered all the documents of which he had charge.

"The quhilk day in presence of the Earles of Lauderdail and Finlater, commissioners appoynted be the Councell for takeing Sir John Hayes[1] oath in maner following compeired personalie Sir John Hay, late Clerk of Register, and gave his oath that he hes delyvered and left quhair they were the hail registers and others papers quhilks he ressaved as belongeing to the office of the Clerk of Register, and that to his knawledge there is none of thame abstracted; as also that he ressaved a register of parliament frome Mr Johne Oliphant, quhilk he lykewayes hes putt in with the rest of the registers, and eight books of registers quhilks he ressaved fra Sir John Scot. Bot in his absence in England there wes tua diet books and a wardrop compt tane out be warrant of the Committee of Estates, and delyvered to Mr James Durhame who hes thame as yit."

Acts, November 1641-October 1646. Fol. 18, a. Fol. 18, b.

Edinburgh, 25th January 1642.

Sederunt:—Chancellor; Argyl; Mar; Cassills; Kingorne; Southesk; Finlater; Angus; Burley; Balcarres; Clerk Register; Advocate; Treasurer Depute; Justice Clerk; Sheriff of Teviotdale.

Discharge to Sir John Hay for the delivery of the Registers.

"The Lords of Privie Counsell, haveing ressaved frome Mr William Hay, one of the Clerks of the Session, in name of Sir John Hay, his father, late Clerke of Register, the keyes of the roumes in the castle and Excheker hous, quhair the publict registers ly, and withall haveing red, hard and considderit the said Sir John his oath given before the Earles of Lauderdail and Finlater be warrant of the Counsell anent the registers and writts quhairwith he wes entrusted as Clerk of Register, and being weele advysit thairwith, they exoner the said Sir John of the saids haill registers and writs, and declars him free thairof and of all that may follow thairupon in tyme comeing, and recommends to the

[1] In the Sederunts this minute is signed by J. Hay, Lauderdaill, and Findlater.

Acta, November 1641–October 1646. Fol. 18, b.

Lord Chanceller and others to whome the reviseing of the saids register is entrusted to have a care to putt that mater to a poynt with convenient diligence."

Decreta, November 1641–October 1646.

[Sederunt as recorded above.]

Edinburgh, 25th January 1642.

P. 15.

Supplication by Archibald, Marques of Argile, as follows:—During the late troubles "he caused big a fortification in Loch Kilkerran, opposite to the kingdom of Ireland, whilk he wes of intention to demolish"; but he has thought it better to advise with their Lordships as to this. The Lords, "having tane to thair consideration the great rebellion in Ireland unto the which diverse of the clan Donald, speciallie Coill McGillespicks sonnes and others, followers of the Earle of Antrim, have joynned thameselves, and there is great suspicion of the said Earle his accession thereto, thairfoir and becaus of the knowne inmitie of the said Earle of Antrim and the Clan Donald aganis the said Marques of Argile and his friends, and of the neernesse of thair bounds to the said Marques his lands of Kintyre and others parts, the saids Lords ordains the said Marques to keepe up the said fortification and to doe everie other thing requisit for strenthening himselfe, his freinds and followers and defence of thair bounds frome the incursions of the rebells in Ireland and thair adherents."

Supplication by the Marquis of Argyle for a warrant to maintain a fortification which he had erected in Loch Kilkerran.

P. 16.

Supplication by Archibald, Marques of Argile, as follows:—In the time of the late troubles he caused apprehend Coill McGillespick McDonald and two of his sons, John McDonald and Donald Gorme McDonald, for not finding caution to answer certain criminal charges made against them, and he has ever since kept them in ward at great trouble and expense. He has been lately informed that other two of his sons, with a number of their friends, broken and lawless men, who during the late troubles committed many insolences against himself and his vassals, have joined his Majesty's rebels in Ireland, doing there all the mischief that in them lies. He therefore craves that, as these persons named, who are now in his ward as heritable Justiciar within the bounds, have had no means to maintain themselves nor their keepers this long time past, their Lordships would prescribe what should be done with them, whether they should be brought to Edinburgh or what otherwise they should think best, and for the meantime and the past time that they would allow him his expenses. The Lords approve of what the Marques has done, and ordain him still to keep these persons as public prisoners on his Majesty's expenses. They also modify to him the sum of forty merks weekly for the maintenance of the said five persons and their five keepers since Whitsunday last and in time coming till order be taken further in the matter. And they ordain the Lords of Exchequer and Commissioners of his Majesty's rents to make payment of this allowance.

Supplication by the Marquis of Argyle anent the maintenance of Coill M'Gillespie M'Donald and his two sons whom the supplicant has for some time kept in ward.

Protection to George Buchanan, apparent of that Ilk.

Forasmuch as George Buchanan, apparent of that Ilk, is cited at the instance of Mr William Cuninghame of Broomehill to compear and answer for certain oppressions, but cannot do so for fear of the danger of the law for debts, the Lords, to enable him to appear on the 27th inst., suspend all captions and other warrants against him until Saturday at night, the 29th inst. Decreta, November 1641–October 1646. P. 17.

Complaint by James Ramsay of Ogill against Mr. Alexander Pitcairn, minister at Tannadyce, anent a bond of caution by the complainer.

Complaint by James Ramsay of Ogill, as follows:—In June last Lord Gordoun became cautioner for him before the Committee of Estates for the indemnity of Mr Alexander Pitcairne, minister at Tannadyce, in 5000 merks, and for payment of the like sum if he should be "found art and part of the wrongs alledged done to the said M[r] Alexander." On 29th September last the matter came before his Majesty and the Estates of Parliament, when, the minister and complainer having been heard, they ordained this caution to continue in force until 8th January following, the minister meanwhile to do his diligence in proving the guilt of the complainer, and if he failed that the said bond of caution should then fall. The complainer has since that time remained in this town at considerable expense and to the neglect of his affairs awaiting the proceedings against him by the said minister, seeing he had brought his name in question before his Majesty and the supreme judicatories, yet now the diet is deserted and he has not so much as endeavoured to do anything conform to the Act of Parliament. And now their Lordships are the only judges who can deal with this violation. Both pursuer and defender compearing personally and having been heard, the Lords, with consent of both parties, discharge the bond of caution foresaid, and as to any other matter between the said parties, especially as to the said minister's indemnity in time coming, they submitted themselves to John, Earl of Kingorne, and promised to obey whatever decision he should give herein. P. 18.

Edinburgh, 25th January 1642.

Sir James Douglas created Lord Mordington.

"The quhilk day the Lord Chancellor produced a patent under the great seale creating Sir James Dowglas Lord Mordingtoun, quhilk wes delivered to the Lord Angus in name of the said Sir James." Sederunts, February 1635–November 1639. Fol. 79, b.

Communication from the Scots Commissioners at Court.

"A letter frome the Commissioners at Court with some papers of advice given be thame to the Kings Majestie and the Parliament of England for composing thair differences; quhairanent ordains a letter to be returned and drawin up be the clerke to be subscribed the morne at eight houres, at quhilk time ordains the Counsell to meite."

Edinburgh, 27th January 1642.

Sederunt:—Chancellor; General; Argyl; Mar; Eglinton; Cassills; Kingorne; Southesk; Angus; Burley; Balcarres; Clerk Register; Treasurer Depute; Cavers; Din. Acta, November 1641–October 1641. Fol. 18 b.

Sir William Scott of Harden continued in the Sheriffdom of Selkirk.

"The quhilk day in presence of the Lords of Privie Counsell compeired personallie Sir William Scot of Harden, and accepted upon him the office of Shiref of Selkirk for the remainder of this present yeere and gave his [oath] *de fideli administratione*."

Decreta, November 1641-October 1646.

[Sederunt as recorded above, adding Finlatter and the Provost of Edinburgh.]

Edinburgh, 27th January 1642.

P. 18.

Complaint by William Colvin, brother to James Colvin of Preistoun, as follows:—On 14th January he was in peaceable manner in the house of John Douglas in Quhittinghame in company with John Douglas there, William Douglas, his brother, James Mure, his mother's brother, John Park, servitor to Sir Arthur Douglas of Quhittinghame, and Archibald and James Neilson there, when, without any offence given by him in word or deed, "they first abused him with contumelious and upbraiding speeches, thereafter patt violent hands in his person and gave him manie bauche, blae and bloodie straikes in diverse parts of his bodie to the great effusion of his blood, rave his cloathes, robbed him of his weapons and purse, wherein there wer twa peeces of gold and other moneyes, and, as if he had beene a condemned theefe, patt a tedder about his neck and had almost strangled him therewith, so as he hardlie escaped with his life." Charge having been given to the said John and William Douglas and Archibald Neilsone, and both pursuer and defenders compearing personally, the Lords, after hearing parties, assoilzie the defenders, because, upon the pursuer referring probation to their oaths of verity, they denied the complaint upon oath. The defenders then craved that the pursuer might be obliged to find caution for their indemnity because he had troubled them in their own house and they had reason to fear bodily harm and oppression from him, and upon this they gave their oaths, whereupon the Lords ordained the pursuer to find caution for their indemnity in the sum of 500 merks and to be committed to ward till he found the same.

Complaint by William Colvin, brother to James Colvin of Preistoun, against John Douglas in Whittinghame and others for assault.

P. 19.

Complaint by John Black and Thomas Black, his son, as follows:—"They, being prissouners in the pledge chamber of Dumfreis thir twa yeeres bygane, keeped in the yrnes and likelie to sterve for famine for the suspicion of the death of Johnne Maxwell of Middlebie quhairof they ar innocent," petitioned his Majesty and the late Parliament for their liberty and a speedy trial, who, after hearing the husband of the said John Maxwell's widow, ordained the complainers to be tried in Edinburgh before his Majesty's Justice before 30th November now past; also that they should be relieved of the irons, and that the party should pay for the maintenance of each of them 40d. daily from 4th October thereafter during their remaining in prison. But the party has neither raised process against them nor paid this modification, and they intend to do neither but to suffer them to famish to death in the said prison. They crave their liberation and an order for payment of the said modification. Charge having been given to Marion Maxwell, the relict, Andrew Stewart, her spouse, Robert and William Maxwell, her children, and to Robert, Earl of Nithsdaill, for his interest; and the pursuers compearing by . . . , wife to the said John Black, but not the defenders, the Lords ordain the provost and bailies of Dumfreis to liberate the pursuers in so far as they are warded for the above cause.

Complaint by John Black and Thomas Black, his son, for illegal warding on a false charge of slaying John Maxwell of Middlebie.

P. 20.

Postponement of depositions in the case of Ann Inglis against her husband, William Cunninghame of Aiket.
See *ante*, p. 172.

The Lords continue the advising of the depositions of the witnesses produced by Anna Inglis, spouse of William Cunninghame of Aikett, in her complaint against him until 24th February next, so that the said William may be present to hear the decreet and sentence therein, for which purpose they ordain him to be cited for that day. And meanwhile they modify £200 to be paid by him to the said Anna as aliment for the months of January and February, of which one half is to be paid within six days after the charge and the other half before 1st March next, under pain of horning. Decreta, November 1641–October 1646. P. 20. P. 21.

Appointment of auditors anent the living of Coldingham which is in dispute between John Stewart of Coldingham and Sir Robert Douglas of Blaikerstoune.

His Majesty and the Estates of Parliament having remitted to their Lordships the humble desire of John Stewart of Coldinghame for the appointment of a committee to audit the accounts between him and Sir Robert Douglas of Blaikerstoun anent the living of Coldinghame and the said John's tack duty of Orkney, the Lords, having on several occasions heard the parties, now hereby nominate Sir William Gray, bailie of Edinburgh, Edward Edgar, James Rouchheid, and John Jowssie, merchants burgesses of Edinburgh, to be auditors of these accounts, giving them or any two of them power to receive John Stewart's claim and rental of his living, to admit probation, if necessary, and hear and cognosce upon the accounts of the said Sir Robert's intromissions with the above and any other accounts to be given in by either party, and to report to their Lordships with all convenient diligence in writing. The parties are hereby obliged to attend the diets appointed by the said comissioners, who, being present, accepted the commission upon them and promised their best diligence in the discharge of the same.

The Laird of Buchanan.

"The Laird of Buchanans protectioun continewed till the 2 of Februar."

Complaint by Isabel Huntor, widow of Michael Roreson of Caldside, against James Crichton, son to the Earl of Dumfries, for dispossessing her of her lands.

Complaint by Isabel Hunter, widow of Michael Roresone of Caldside, for herself and in name of William Roresone, son and heir served to the said deceased Michael, and of her other four fatherless children, as follows:—Her late husband was heritably infeft in the lands of Caldside and Craignie in the barony of Glencarne and sheriffdom of Nithsdaill, and was in peacefull possession thereof for over twenty years and she continued this possession after his death until the year 1636, when she went upon her lawful business to the kingdom of Ireland. Before her return James Crichton, son to the Earl of Dumfreis, and bailie of the barony of Glencarne, entered her dwelling house, spoiled and took away her whole goods and the writs and evidents of the said lands, and placing himself in possession compelled the tenants to pay the duties thereof to him. Moreover, to colour the said oppression and intrusion, "he committed a more cruell fact in causing apprehend umquhill Andrew Roresone, sone to her said umquhile husband of his first mariage, in a court haldin be himselfe as baillie of the said baronie of Glencarne, his awne procurator fiscall being onelie accuser, did convict and condemne the said Andrew to be hanged and that for the alledged stealing of ane dead lamb wherewith he wes alledged takin and apprehended, whilk P. 33.[1] [1 Entered out of its place in the Register.]

Decreta, November 1641-October 1646.

P. 34.

lamb he trulie found dead in the feilds, who, after he had deteanned him in captivitie in the pit of Sanquhar in great miserie, he banished him the countrie and sent him to the warres, where shortlie after he died. And albeit the said umquhile Andrew Roresone wes never infeft in the foresaids lands of Caldside, yitt the said James Crichtoun, upon his said pretended conviction, hes takin the gift of his forefaltour of the saids lands and thinks thereby to defend and mainteane himselfe in his cruell oppressioun and intrusion foresaid, and hes takin upon him the stile of the saids lands, calling himselfe James Crichton of Caldside; and hes compelled the tennents and possessors thairof to pay to him the maills and dueteis of the same thir six or seven yeares bygane." Thereby she and her four fatherless and friendless children have lived these seven years past "in great and extreme miserie, leaving upon the charitie of others, not being able to make anie shift for thameselves." The complainers represented the matter to the Estates of Parliament, and they on 16th November last remitted the matter to their Lordships. Charge having been given to the said James Crichton to compear before the Council on a certain day bypast to have heard himself decerned to remove from the said lands and to repossess the complainers, as also to deliver their writs and evidents for which they have recovered decree before the Lords of Session, and to restore the rents of the said lands which are valued at 300 merks yearly, and find caution for the indemnity of the complainers in time coming, both pursuer and defender compeared personally, and agreed to submit the trial of this complaint and all differences between them to the arbitration of John, Earl of Cassills, John, Earl of Lauderdaill, and Sir James Carmichaell of that Ilk, Treasurer Depute, or any two of them, and to accept their decision without appeal. The said judges, being personally present, accepted the reference, and the Lords ordained the parties to attend upon the diets fixed by them; and the judges they recommend to meet and deal with the matter at their best convenience.

Edinburgh, 27th January 1642.

Sederunta, February 1635-November 1643.

Fol. 79, b.

"The Lords ordains the commissioners formerlie appointed for examining Captane Winters [writs] to meit on Saturday in the afternoone and examine thame."

Captain Winter.

See *ante*, p. 178.

"The Lords recommends to the Clerk Register to speeke Archibald Sydserfe anent the meale being in his possession and the way how to carie the same to Ireland be ship."

Conveyance of meal to Ireland.

Fol. 80, a.

Sederunt:—Chancellor; Leven; Argile; Mar; Cassills; Murrey; Southesk; Finlatter; Angus; Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sheriff of Tiviotdaill; Dun.

Edinburgh, 1st February 1642.

Acta, November 1641-October 1641.

"Forsameikle as be the crueltie of the rebells in Ireland great nombers of his Majesties good subjects and our countrey men thair are daylie forced to flee out of Ireland to those parts in the west countrey quhair they

Edinburgh, 1st February 1642.

Fol. 19, b.

Acta, November 1641–October 1646. Fol. 19, b.[1]

Recommendation by the Council that a collection be made throughout the kingdom for the relief of persons who have been driven to the West of Scotland by the cruelties of the Irish rebels.

find best occasion of landing, the multitude of whiche poore people is become so great, and thair necessities and wants so pressing as the parishes in the west quhair they land have exhausted the boxes of thair poore, and collections among thameselfes and other parts neere about are not able to supplie anie considerable nombers of the said poore people, who in that regarde are lyke to be in worse condition heere, quhair they looked for succor and refreshment, in so farre as be flight haveing escaped the sword of the enemie, by famine they will miserablie perish if they be not tymouslie supplied; and the Lords of Privie Councell, findeing thameselves everie way obleidged to helpe and releive the calamitous condition of these poore people, and perswading thameselfes that the cause for whiche they suffer, being loyaltie and religion, will be powerful motives with all good subjects and true hairted christians liberallie to contribut of thair best meanes for the refreshment and confort of so manie christian soules, specialie being our owne countrey men and knawing perfytlie that the ministrie of this kingdome will not be deficient bot will use thair best endevors in so pious and necessar Fol. 20, a. a worke, thairfore the Lords have recommendit and be the tenor heirof recommends the saids distressed christians and thair deplorable condition to the moderators, bretheren and elders of the haill presbiteries within the kingdome, requesting and desiring thame with all convenient diligence to give tymous and solid orders to the severall ministers and elders of parishes within thair particular presbiteries for collecting of the christian benevolence of thair parishioners towards the releiffe of the saids distressed christians, and that the saids ministers use all the powerfull and persuasive wayes they can, in thair sermons and other wayes, to stirre up their flocks liberallie and cheirfullie to contribut in this erand; and that the minister of everie parish bring in his contributioun to the moderator of the presbiterie to be sent be him to the persons underwritten, appoynted be the saids Lords for ressaveing the same in maner afterspecifeit, viz.:—the moderators of the presbiteries of the provincialls of Fyffe, Angus, Aberdene, Murray, Rosse, and all others on the other syde of Forthe, as also the moderators of the presbiteries of the provincialls of the Merce, Tivedail, Louthian, and Peebles, to send in and delyver the collections of the saids presbiteries at the burgh of Edinburgh to James Stuart, John Meyn, and Samuel Lockhart, merchants burgesses of Edinburgh, or anie of thame, and the moderators of the presbiteries within the provincialls of Stirline, Glasgow, Air, Argyl, Galloway and Dumfreis, to send in and delyver the collections of the saids presbiteries at the burgh of Air to John Osburne and Robert Gordon, merchants burgesses, or either of thame, whiche persons, ressavers of the saids collections, are men of approven credit and honestie and will deale faithfullie in this so important a caus according to the orders to be prescrybed to thame be the Lords of Privie Councell for the distributions of the saids collections among the saids poore people. And it is heirby declared that the charge of carieing the contributions abonewritten

[1] This Act omitted in its proper place.]

Acta. November 1641–October 1646. Fol. 20, a. Sederunta, February 1635–November 1643. Fol. 80, a.

to the collectors in Edinburgh or Air sall be payed out of the reddiest of the collections."

Committee to arrange for the sending of 2500 footmen to Ireland.

"A letter frome the Commissioners, with some articles anent the sending over the 2500 men on foot, quhairanent ordains the Counsell to meit the morne at nyne houres in the Excheker Hous, and recommends to the Generall, the Marques of Argile, the Erles of Cassills and Lauderdaill, the Schireff of Tiviotdaill and Laird of Dun to meit in the Generalls Hous at 7 houres in the morning and to consider the best wayes and meanes for accelerating the expedition, and to report to the Counsell at 9 houres."

Victual for the Irish regiments.

"The Lords recommends to the Erle of Southesk and Laird of Din to deale and travell with merchants anent provision of victuall for the regiments going to Ireland."

Acta, November 1641–October 1646. Fol. 18, b.

Edinburgh, 2nd February 1642.

Sederunt:—Chancellor; General; Argyle; Mairshel; Mar; Cassills; Lauderdail; Southesk; Angus; Burley; Balcarres; Clerk Register; Advocate; Din; Dundas.

Fol. 19, a.

Letter from his Majesty anent the sending of troops to Ireland.

"The quhilk day John, Earle of Loudon, Lord Heich Chanceller of this kingdome, exhibit to the Lords of Privie Councel the missive letter underwritten, directed frome the Kings Majestie to the saids Lords, quairof the tenor followeth:—CHARLES R.—Right trustie, etc. The miseries and calamities quhilks our good subjects of Ireland are reduced unto through the inhumane and barbarous cruelties committed by the rebells thair hath induced us to thinke upon all possible meanes of sending suche necessarie supplies thither as may, if not free, yit ease thame of thair sufferings. The present distractions in this kingdome delayes the sending of that assistance whiche they ought to expect frome hence, and thair necessities are so great as the least delay brings ruine to thame. Thairfore, out of our real sense of thair sufferings, wee have thought fitt to move yow that those forces yow have alreddie on foote may be presentlie transported thither, whiche, when wee were about to dispatche to yow, wee find wes muche at the same time propond be this Parliament to the Scots Commissioners; and to this purpose wee [have] written to our Chanceller to offer to yow frome us suche particulars as wee thinke will most conduce to the advancement of so good and necessarie a worke, quhairin wee doubt not bot your resolutions will be suche as will expresse your respect to us, and affection to your distressed brethreen in Ireland. Our Chanceller will lykewayes lett yow know frome us some particulars that of late hath past betuix us and our Scots Commissioners, quhairin wee are confident yow will take suche a course as will expresse your affection and fidelitie to us and your desires to shunn suche disputts and jealousies as may occasion anie interruption of that happie understanding now established betuix us and that our kingdome, whiche on our part (as wee have ever done so) we sall still studie to preserve. Wee bid yow hartelie fareweele. Frome

our honor of Windsore, the 27 of January, 1642, *stilo Scotico*. Quhilk letter being red in the hearing of the saids Lords, they have continowed and continowis the answer thairof till the eicht of this instant, and ordans the councellers to be warned to attend that diet frequentlie." Acta, November 1641–October 1646. Fol. 19, a.

Edinburgh, 2nd February 1642. *Post meridiem.*

"*Apud Edinburgh eodem die post meridiem, Sederunt, ut supra, unacum* Justice Clerk and Shireff of Tiviot[daill]." Sederunta, February 1635–November 1643. Fol. 80, a.

Anent the same.

"A letter frome his Majestie to the Counsell for sending over the regiments on foot to Ireland."

Edinburgh, 3rd February 1642.

Sederunt:—Chancellor; General; Argyle; Mairshel; Mar; Eglinton; Cassills; Southesk; Weimes; Dalhoushie; Finlater; Burley; Balcarres; Clerk Register; Advocate; Justice Clerk; Cavers; Dundas; Morphie; Din. Acta, November 1641–October 1646. Fol. 19, a.

John Gylour, servant on the Bass, to be branded on the cheek and banished for an unnatural crime.

"The Lords of Secret Councel, haveing red, hard and considerit the verdict of the assyse pronunced aganis John Gylour, servant in the Bas, quhairby they have fund him convict of the forceing of Jonet Boussie, ane yong virgin not past ten yeeres, and blooding her in her secret parts and being advysed heiranent and anent the atrocitie of the said cryme, the said John being a maried person, they ordane his Majesteis Justice and his Deputs to pronunce doome and sentence aganis him, ordaneing him to be scourged throw the toun of Edinburgh, brunt in the cheeke with ane hote iron, and banished the kingdome, never to returne againe uuder the paine of death to be inflicted upon him in caise of failyie without favor. Quhairanent thir presents sall be to thame a warrand." Fol. 19, b.

Orders for the transport of ammunition to Ireland for the provisioning of the troops, and for further levies of men.

"The Lords of Secret Counsell recommends to the Lord Generall and Earle of Eglinton to call for the General of the Artellierie and Major Monro and to sett doun orders anent the delyverie and transport of the ammunition necessar for the expedition of the tua thousand and fyve hundreth men to Glasgow and for baikeing of bisket necessar for the souldiours in thair voyage, and also to call George Porterfeild before thame and to give order to him to agree for closse barks for the transport of the souldiours, and according to the directions to be given be thame for deburseing of moneyes requisit for this service. The Lords recommends to the committee for the common burdens to see the same advanced, as also to compt and reckin with the officers of these regiments on foote, and siclyke ordans the General to give warrand to Monro and Home for makeing up thair regiments to the nomber of 2000 men, and to the Laird of Lawers for leveying of fyve hundreth men of the first of his regiment; as lykewayes the Lords thinke fit that the Marques of Argyle his advyce be taken for the acceleratting and more speedie prosecution of the bussines."

Decreta, November 1641-October 1646.

[Sederunt as recorded above, with the addition of the Provost of Edinburgh.]

Edinburgh, 3rd February 1642.

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Complaint by Mr. Andrew Watson, vicar at Peebles, against James Williamson and John Mure for doing injury to his house and threatening his life.

Complaint by Mr Andrew Watson, vicar at Peebles, as follows:—Upon May last, "James Williamesone, younger in Peebles, who had often vowed to tirre the said ministers hous in Peebles abone his head, to effectuat his resolutioun came airlie in the morning before daylight to his said dwelling hous, clam up to the top thairof and with a graip kuist doun a great part of the thack and divvetts of the said hous. And upon the day of Junij thereafter he, understanding that the compleanner wes at S[t] Andrewes, came with Johne Mure in Peebles to the said hous and tirred the halfe of the high hous and chamber, so as when the compleenner returned all the utensiles and plenishing of his hous wer spoyled with rayne and the hous made unhabitable. And, not content thus to spoile the said hous, but resolving also to take his life, they came upon the day of October thereafter under cloud and silence of night to the compleanners said hous, entered by a back doore within the turnpycke, past up the staire, rave up the side and ground thairof and all the daills aff the same, so as, wer not the providence of God, the compleanner had fallin doun betuix the head of the turnpyck and his chamber doore, and so have beene killed, whilk wes thair intention." Charge having been given to the said James Williamesone and John Mure, and complainer and defenders all compearing, the Lords

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assoilzie the latter, because, probation being referred to the defenders' oaths of verity, they denied the charges against them. And because the pursuer has thus without grounds troubled the said James Williamesone and the said John Mure, who is but a minor, in drawing them hither for five days to attend this business, the Lords ordain the pursuer to pay to each of them ten merks within six days on pain of horning.

Complaint by the magistrates of Lanark against David Munt, flesher in the town, whom they accuse of raising letters of lawburrows against them without cause.

Complaint by the provost, bailies and council of the burgh of Lanerk, as follows:—David Munt, flesher in their town, against the duty of a burgess, has raised letters of lawburrows at his own instance and at the instance of fourteen or fifteen other persons of their town whose names "he hes falselie usurped without thair knowledge against the most considerable part of the bodie of the said burgh who have ather beene or ar in office and magistracie within the same," without any just ground and only to vex and trouble the town. Sometimes he charges them at the instance of one person, and now of another, either to bring them under the danger of horning or to put them to "exorbitant charges and fashrie." For example, "The first man whome he hes insert in thir letters is one Johne Inglis, old baillie, a person of four score four yeeres, aganis whome he can pretend no cause of feare or danger." As this is a matter of grave consequence, they have thought good to represent it to

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their Lordships for the punishment of the said David and prevention of the like in time coming. Charge having been given to the said David

Munt, and the pursuers compearing by Gideon Weir, their clerk, who produced a declaration under the hand of Gideon Jack and John Dick, bailies of Lanerk, and also of the said clerk, stating that upon the raising of letters of lawburrows against their burgesses as above and a charge given to Robert Forrest, one of them, they summoned the said David Munt before them, and desired to know upon what ground he had so charged Robert Forrest, when he answered that it was because the said Robert refused to pay him for some barked leather he had sold to him. They then pointed out to him that that was no ground for such a charge and desired him to pass from it and sue him before them for the debt, but he refused, saying it would cost him 500 merks before he abandoned the charge. Thereupon the bailies sent for John, James and William Munt, brothers of the said David, whose names he had inserted in the letters, and inquired of them if they were cognisant of them, and this they denied. The Lords having called and heard the said David, who was personally present, find that he has done wrong in the course he has pursued, and ordain him to be committed to ward within the tolbooth of Edinburgh until he is orderly released. Decreta, November 1641–October 1646. P. 24.

Complaint by Andrew Irving against the magistrates of Dumfries for illegally detaining him in ward.

Complaint by Adam Irwing, son of the deceased William Irwing of Bonshaw, as follows:—In his pursuit before their Lordships of John Rewme of Dalswintoun for his illegal apprehension and imprisonment in the jail of Dumfreis, their Lordships ordained the provost and bailies of Dumfreis to be charged to exhibit the complainer and to declare upon what warrant they received him and do keep him in their jail. Charge having been given to Mr John Corsane, provost, Roger Kirkpatrik and John Johnestoun, bailies, and the pursuer compearing by Harbert Irwing, his brother, and the defenders by John Copland, treasurer of Dumfreis, the Lords, after hearing parties, and the said Harbert Irwing acting himself as cautioner in 500 merks that his brother will appear before their Lordships on fifteen days' warning and answer to anything laid to his charge, ordain the said provost and bailies to liberate the pursuer. P. 25.

Protection to Sir Alexander Nisbet and his son.

The Lords, having continued the action at the instance of William Monteith of Caribber, merchant burgess of Edinburgh, against Sir Alexander Nisbit of that Ilk and Philip Nisbit, his son, for the delivery of their houses and the entry of their persons in ward within the castle of Blacknes till this day eight days, the 10th instant, for the better enabling of the said Sir Alexander and Philip Nisbit to appear that day, and to do business meanwhile, the said William Monteith and their other creditors supersede the execution of all hornings and other letters issued against them till the 11th instant at night. P. 26.

Complaint by Mr. John Williamson against Marion Masterton, his mother-in-law, and

Complaint by Mr John Williamesone, as follows:—Marion Mastertoun, his mother-in-law, the widow of John Murrey [*sic*] of Sandfurd, and Archibald Mudie, her son, his brother-in-law, "having conceaved ane unjust malice aganis the compleaner thir 14 yeeres bygane or thereby, have devised and practised all meanes to ruine him, speciallie by their

Decreta, November 1641-October 1646. P. 26.

unnaturall withdrawing of the heart and affectioun of his wife and childrene frome him. And first in a subtle way, pretending his weale and the preservation of his estat, they moved him to denude himselfe of his haill meanes in favors of the said Archibald Mudie, upon twa severall backbands givin be the said Archibald, one in favors of his wife for the maintenance of her and her familie during all the dayes of her lifetime so far as sould extend to the annualrent of the principall soume renunced, which sould have been registrat or delivered to the compleanner for that effect, but wes not done, and another in his own favors for maintenance of him and his familie after the deceasse of his wife in maner foresaid. But, being once maisters of the compleanners estat, they wrought such inmitie betuix his wife and him that she would not suffer him to come in her companie, and so brought him to that desperate and miserable condition that, having intented actioun aganis thame upon the said backbond competent to his wife and aganis her for adherence, he wes forced by povertie, not being able to be at the expence of law, to pas from his pursute and to consent to a voluntarie sequestration for seven yeeres and that for the soume of viij^{c} merks, quhairof he onelie receaved the soume of 230 merkes in hand, they alledging that arrestments wer layed upon the rest, but procured be thamselves, and nather payed him nor his creditors. Lykeas before they would give him the 230 merkes they urged him to subscribe a band, obliging him at the expiring of the saids seven yeeres of sequestration to compeir judiciallie and consent to another seven yeeres sequestration and so furth so long as he lived, thereby to divorce him for ever frome his lawful wife. And diverse times since, taking advantage of his distresse and miserie, they have urged him for a small support of his meanes to grant new bands of the same qualitie tending ather to divorcement or banishment aganis all law, and in end forced him to goe out of the countrie sometimes to England, Holland and other parts, to seeke his living, where, being pinched with necessitie, he wes forced to come back and have recourse to thair commisseratioun and compassioun of his distresse, which they have most unchristianelie refused and would not looke upon him nor his pitifull desires when he went severall times to thair hous of Sandfurd, where his wife is deteanned frome him, but closed the doores, denying him accesse to her and his childrene to make his meane to thame." Charge having been given to the said Marion Mastertoun and Archibald and Jonet Mudie to compear and see order taken anent their unchristian conduct, and for the complainer's wife's adherence to him, at least "for a sufficient meanes to be given him out of his owne estat whereby he may live," and the pursuer compearing personally and the defenders by the said Archibald, who answered for his mother and sister, both parties agreed to submit the matter to the arbitration of Sir Alexander Gibson of Durie, Clerk Register, and to accept his decision, and Sir Alexander accepted the reference and promised to give his judgment at "his best convenience."

others for withholding his wife from him and of defrauding him of his means.

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Edinburgh, 7th February 1642.

Sederunt:—Chancellor; Argyl; Mar; Eglinton; Cassills; Glencairne; Lauderdail; Southesk; Weemes; Finlater; Burlie; Clerk Register; Advocate; Morphie; Din; Provost of Edinburgh. Acta, November 1641–October 1646. Fol. 20, a.

Warrant for the providing of biscuit for the troops embarking for Ireland.

"Forsameikle as for the more speedie and safe transport of the 2500 [men] presentlie to be sent frome this kingdome for assisting his Majesties good subjects and suppressing the rebells in Ireland it is necessar that order be given for provyding of victuall and carradges for thair amnunition in thair voyage frome this to the place of thair embarkeing, thairfore the Lords doth heirby give warrand and commission to George Porterfeild, burges of Glasgow, to deale with the provost and baillies of Glasgow for provyding of threttie thousand pund weight of bisket of Fol. 20, b. whyt bread weying halfe pund the unce, and als gives warrand to the said George to ressave suche peeces of ordinance, ammunition and others necessars for the armie as sall be directed frome this unto him, and to have a care and provyde for the saife conduct of the same from thence to Greenock and Air or to anie other seaport to be appoynted for randevous of the regiments quhair they are to embarke."

Warrant for providing shipping, ale, and herring for the troops embarking for Ireland.

"Forsameikle as the Committee appoynted for dispatche of the regiments to Ireland hath condiscendit with Allexander, Earle of Eglinton, and Shaw of Greenok upon the articles following, viz.:—That the said Earle, with the help of the tounes of Air, Iruing, and the coastsyde sall have ships and barks in reddines betuix Fairlie road and the toun of Air againe Thursday, the vith of this instant, wind and weather serveing, for transporting one of the saids regiments to the nomber of ane thousand men, and that the Laird of Greenock with the touns of Glasgow, Dunbartan and Renfrew, sall have shipping reddie for transporting of the other regiment the said day, and the fraught for eache man to be threttie shillings Scots, with a consideration of ly dayes after the rate of fyve punds *per diem* for everie barke so long as they ly after the tyme of the randevous, haveing faire winde and seasonable weather for the voyage; as also that the said Earle of Eglinton and Laird of Greenock sall caus putt aboord in everie bark tua barrells of the best herring at the cheapest pryce they can agree, as lykewayes with advyce of the forsaids touns respective, they sall have in reddines either of thame fyve hundreth gallons of aill of the best sort, being after the calculation of halfe a gallon of ail for each souldiour. Thairfore and for the said Earle of Eglinton and Laird of Greenock thair more warrantable proceedor heerin, the Lords of Secret Counsell gives commission be thir presents to the said Earle of Eglinton to agree with all ships and closse barks frome the Clochestane to the toun of Air, and gives the lyke commission to the Laird of Greenok within the bounds on the river of Clyde; with power to thame, if neid beis, to arrest the saids ships and barks, and to take the sailles frome the raes and to doe all and everie thing els for assureing the same towards the reddie and tymous transport of the saids tua regiments and provyding of the furnisheing forsaid; firme and

Acta, November 1641-October 1646. Fol. 20, b.

stable halding and for to hald all and quhatsomever things they sall lawfullie doe heerin; commanding heirby the magistrats of the touns respective abovewritten and all others his Majesties leiges and subjects to burgh and land to be aideing and assisting to the saids commissioners and either of thame in all and everie thing conduceing to the advancement of that service and quhairin the saids commissioners sall requyre their concurrence as they respect his Majesties service, the credit of this countrey and the weelfare of thair distrest brethen in Ireland."

Fol. 21, a.

"The quhilk day the articles underwritten tuicheing Sir Mungo Campel, fear of Lawers, his present employment for Ireland, being presented to the Lords of Privie Counsel and red in thair audience, and they being weele advysit thairwith, the saids Lords allowed of the same, and ordans the saids articles to be insert and registrat in the books of Privie Councell, quhairof the tenor followeth:—At Edinburgh, the 5 of Februar, 1642. The committee appoynted for dispatche of the regiments to Ireland, viz., the Generall, the Marques of Argyl, the Earles of Mairshel, Eglinton, General [of] Arteillierie and Major Monro, agreed with the Laird of Lawers for the levey of fyve hundreth men upon the conditions following:—1st That the Laird sall have in reddines the said 500 men at thair randevous in Dunbartan upon Thursday the thrid of Marche following. 2. That so manie of the saids men as were formerlie in service of the countrey sall have thair full arrears payed to thame, quhilk sould serve for levey money, they produceing ane sufficient attestatioun upon oath frome thair commanders that they were accordinglie employed in the saids service. 3. That for so manie of his men as were not formerlie in the service of the armie the Laird sall have allowance of tua dollers of levey money for eache of these men. 4. That so manie of his men as he can furnish with sufficient armes of bowis and hacquebuts, he sall have, in consideration of these sufficient armes, ten merks for each man, and the armes to continow properlie thair awne. 5. That each man of the said 500 sall have allowance of a halff doller as conduct money to thair randevous. 6. That upon advertisment spaire armes sall be sent to Dunbartane for so manie as he cannot sufficientlie arme. 7. That six thousand merks be presentlie delyvered to him toward the said levey. 8. That a commission be granted to him frome the Counsell."

Conditions made with Sir Mungo Campbell, fiar of Lawers, for the levy of 500 men.

Sederunts, February 1635-November 1643. Fol. 80, b.

[In the Sederunt is added the Sheriff of Teviotdale.]

Edinburgh, 7th February 1642.

"The Lords recommends to the Erles of Mar, Eglintoun and Cassills and Laird of Dun to revise the Yrishmans papers."

Irishmen's papers.

Acta, November 1641-October 1646. Fol. 21, a.

Sederunt:—Chancellor; General; Argyl; Mairshel; Mar; Morton; Eglinton; Cassills; Glencairne; Murray; Dunfermline; Wigtoune; Lauderdail, Southesk; Weimes; Dalhoushie; Finlater; Callander; Angus; Yester; Elphinston; Burlie; Balcarres;

Edinburgh, 8th February 1642.

Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas; Din; Morphie; Cavers; Provost of Edinburgh. Acta, November 1641-October 1646. Fol. 21, a.

2500 men to be sent to Ireland.

"The Lords of Privie Counsell, haveing againe red, hard, and considerit his Majesties letter of the 27 of Januarij last and quhilk wes exhibit to the saids Lords the second of this instant anent the sending over of these forces now on foote in this kingdome to Ireland, they accordinglie thinke fit that all diligence be used for thair transport and recommends the same to the Lord Generals care."

Letter from his Majesty signifying that the Scots Commissioners in London should not intervene between him and the English Parliament.

"The quhilk day the Lord Chanceller declared in presense of the Lords of Privie [Counsell] that the particulars whiche his Majestie be his letter had commandit his Lordship to signifie to the Counsel were these. 1. That order be given to the Commissioners to acquaint the king with the several instructions given or to be given thame in thair commission. 2. That the Commissioners sould be desired be the Counsell not to medle betuix the King and Parliament of England without his Majesties knowledge and approbation. 3. That some course be tane that anie passages that occurred heere at the late Parliament be not a preparative to the Parliament of England. Quhilks particulars represented, as said is, being considerit be the Lords, they returned to the King the answer following:—Most sacred Soverane, The respect wee owe to the advancement of your Majesties service and our sense of the distress of your good subjects in Ireland did induce us, before the receipt of your Majesties letter, to desyre our Commissioners to be earnest and humble sutors to your Majestie that the forces whiche are here on foote might, be your Majesties auctoritie and the Parliament of England, be speedilie transported to Ireland; and, findeing the same desyre proponed be the Parliament to our Commissioners, who did represent the same to your Majestie, and that wee are now warranted by your Majesties royal command, wee are with all possible diligence going about the transport of the forces, who, upon the receipt of your Majesties commission and moneyes promised for thair use, are reddie to marche; and for what farther of your royal pleasure wes imparted to us be the Lord Chanceller concerning our Commissioners, our adyvice to thame ever hath and sall be that thair haill deportments may be suche as may best expresse our affection and fidelitie to your Majestie and continow that right understanding now established betuix your Majestie and this your native kingdome, whiche, as wee esteeme to be our greatest happines, so it is our earnest and heartie desyre that the lyke understanding may be established betuix your Majestie and your subjects of all other your dominions, and, to end, wee intend shortlie to send the Marques of Argyl (if it may be acceptable to your Majestie and the Parliament there) to witnesse our reddines to contribut our best endevors and humble service with that tender respect of your Majesties honor quhilk becometh your Majesties most humble and faithful subjects and servants." Fol. 21, b.

Answer of Council to the above-mentioned letter.

Acta, November 1641–October 1646. Fol. 21, b.

Order to the Lord Advocate to proceed with the trial of the Incendaries and Plotters.

"The quhilk day the Lord Chanceller, for himselfe and in name of the remenant commissioners appoynted for tryell of the incendiaries and plotters, represented to the Councel, that the commission granted to thame in that earand being limited and to endure onelie whill the first of Marche nixt, and that in respect of the remissnesse of the Lord Advocat and procurators of Estate in doing thair dutie, and insisting in these process the tryel is not lyke to take effect; and thairfoir desired that the Councell would command the Lord Advocat and procurators of Estate to attend and insist in the said process, according to the tenor of the act of parliament commanding thame so to doe. Quhilk desyre being considerit be the Counsell, they have ordand and commandit, and

Fol. 22, a.

be thir presents ordans and commands the said Lord Advocat and procurators of Estate to attend and insist in the processe aganis the incendiaries and plotters and to [do] everie thing belonging to thair places faithfullie and diligentlie, as they will answer upon thair perrell."

Charge to Sir Donald Gorme of Sleat and other chieftains of the Isles to appear before the Council, which they have failed to do during the late troubles.

"Forsameikle as upon occasion of the late troubles the lawdable course tane be his Majesties umquhile darrest father of good memorie anent the yeerlie compeirance of the Ilanders hes beene neglected these diverse yeeres bygone, so as the Lords of Privie Councel cannot throughlie know in what estate the saids Ilanders and thair cautioners are for the present, and they findeing upon considerable grounds that the setling of this mater is of great importance and cannot be delayed till the ordinarie diet of the Ilanders thair compeirance upon the 10th of July, thairfore the saids Lords have concludit and ordand, and be these presents concludes and ordans that the saids Ilanders sall give thair appearance this yeere upon the day of Apryle nixtocome; and for this effect ordans letters to be direct chargeing Sir Donald Gorim of Slait, Sir Lauchlaine McClaine of Dowart, John McCleud of Dunevagan, John McRannald of Moydert, McLaine of Coil, McKynnon of that ilk and Hector McLaine of Lochbuy to compeir personallie before the saids Lords the day forsaid, prepared to renew thair caution as the saids Lords sall thinke fitting, and to underly suche order as sall be prescrybed for the good and peace of the Illes, under the pane of rebellion and putting of thame to the horne, with certification to thame if they failyie other letters sall be direct *simpliciter* to putt thame thairto."

Sederunts, February 1635–November 1643. Fol. 80, b.

Letters to be drafted to his Majesty and the Commissioners in London.

"The Lords appoints the Chancellor, the Marquis of Argile, the Erles of Morton, Lauderdaill and Southesk, the Clerk Register, Justice Clerk, and Wauchtoun to draw up draughts of letters to his Majestie and the Commissioners, and to report the same to the Counsell the morne at 9 houres."

"The Lords continewes all actions till Thursday nixt."

Fol. 81, a.

Edinburgh, 9th February 1642.

"*Sederunt ut die predicto.*"

The Islanders.

"Charges aganis the Ylanders for thair appeirance upon the day of Aprile nixt." [This entry deleted.]

Captain Winter and his men.

"A commission to the Lord Chancellor, Cassills, Lauderdaill, Burlie, and Wauchtoun or anie twa of thame to call for Captane Winter and his twa men and to examine thame and report."

See *ante*, p. 189.

Sederunts, February 1635-November 1643. Fol. 81, a.

Edinburgh, 10th February 1642.

Sederunt:—Chancellor; General; Argyle; Mairshel; Mar; Cassills; Glencairne; Dumfermline; Wigtoun; Lauderdail; Southesk; Weimes; Dalhoushie; Findlater; Callender; Angus; Elphinston; Burley; Clerk Register; Justice Clerk; Treasurer Depute; Wauchtoun; Din; Dundas; Morphie; Provost of Edinburgh.

Acta, November 1641-October 1646. Fol. 22, a.

Charge to George Clepane of Carslogie to appear before the Council for having resisted the apprehension of fugitive soldiers.

"Forsameikle as some of the souldiours under General Major Monro his command haveing latelie disbandit and left thair cullors and fled to Fyffe, the General send over direction to the Laird of Fairnie, shireff deput of Fyffe, to apprehend some of the saids fugitives, who in obedience thairof went about that service with all diligence, and among others of the saids fugitives he apprehendit at the hous of George Clep[ane] of Carslogie, beleiveing that the gentleman sould have beene als willing to further the service as anie. Nevertheles, when the said Laird of Fairnie had tua several tymes shawin the Generals warrand and craved obedience thairto, he most disdanefullie refuised so much as to looke upon the same and would not suffer the said Laird of Fairnie to bring away the fugitive bot tooke him frome thame. Quhilk being a dangerous preparative in this so important a service, so muche recomendit be his Majestie, and neirlie concerning the credit of the countrey and good of our countrey men in Ireland cannot be slipped over with impunitie; and thairfore the Lords of Privie Counsell ordans letters to be direct chargeing the said Laird of Carslogie to compeir personalie before the saids Lords at a certane day to answer to this complaint, and to underly suche order anent this mater as the saids Lords sall prescryve, under the paine of rebellion, etc., with certificatioun, etc., and to summond witness, etc."

Fol. 22, b.

Proclamation against soldiers deserting from the troops embarking for Ireland.

"Forsameikle as there hes beene diverse of the souldiours of the regiments of General Major Monro and Robert Home of the Hewche whiche have beene keept under pay this long tyme bygane, upon notice of the expedition to Ireland aganis thair militarie oath have latelie disbandit, left thair cullors and removed thameselfes to the bounds quhair they lived before, and others parts of the countrey, lurkeing among thair freinds and acquaintance, be whome they are hurdit and ressett, to the great prejudice of the supplie for Ireland, so muche recomendit be his Majestie, and wished for be our countrey men; for remeid quhairof the Lords of Secret Councel ordans letters to be direct chargeing heraulds and officers of armes to pas to the mercat croce of Edinburgh and other places neidfull and thair be opin proclamation to command and inhibit all and everie one of the souldiours of the saids tua regiments that nane of them presoome nor take upon hand to disband or leave thair cullors, but to goe on and follow out that service quhairin

Acta, November 1641–October 1646. Fol. 22, b.

his Majesteis honor, the credit of the countrey and weilfare of our countrey men is so muche concerned till they be orderlie dismissed, under the paine of death; as also that all suche of the saids souldiours as have disbandit and become fugitives returne to thair cullors and prosecutte that service in maner forsaid, under the said paine of death, certifieing thame if they failyie and returne not within six dayes after the charge to be given to thame; as also, if anie sall disband, that the said paine of death sall be inflicted upon thame without favor; and to command, charge and inhibit all and sundrie his Majesties leiges and subjects that none of them presoome nor take upon hand to ressett, hoord nor conceale anie of the saids fugitive souldiours who have alredrie or sall heirafter disband, bot to delyver thame to the officers of the saids regiments or anie haveing power to requyre or ressave thame, under the paine to be called, persewed and punished for the same as hinderers of his Majesteis service and enemies to so important a worke."

Decreta, November 1641–October 1646. P. 27.

[Sederunt as recorded above, with the addition of the Sheriff of Tiviotdaill.]

Edinburgh, 10th February 1642.

Supplication by General Major Monro, as follows:—For these several years past he has been employed during the late troubles of this kingdom in the public service, "where he behaved himselfe in all things conforme to his instructions and commissioun. And now being informed that he is to be imployed shortlie where his Majestie and the saids Lords thinks fitting," he humbly craves for himself and his regiment, "ane approbatioun of thair former service together with ane act of exoneratioun to the end they may be encouraged to goe on with all cheerfulnes, trust and fidelitie wheresoever the saids Lords sall command thame for the good of the countrie and advancement of religioun." The Lords "allowes and approves of the said Generall Major and his regiment thair service in the publict and exoners and acquitts thame of anie thing can be layed to thair charge in that behalfe, without prejudice of particular parteis greeved thair clames, as accords of the law."

Supplication by Major Munro for exoneration for himself and his regiment in respect of their former service.

Supplication by John Gordon of Haddo, as follows:—He has been summoned before the Justice and has found caution to compear upon 16th March next for the slaughter of Mr James Stalker, servitor to Lord Fraser, but is disabled from obedience by reason of some captions issued against him for debt. He therefore craves their Lordships' protection for a certain time. The Lords, having seen the act of adjournal in the case, supersede the execution of all captions and other warrants for debt against the supplicant for eight days before and eight days after the said date of his compearance, viz., from 8th to 24th March next.

P. 28.

Supplication by John Gordon of Haddo for protection that he may appear before the Justice to answer a charge of manslaughter.

10th February 1642.

Sederunts, February 1635–November 1643. Fol. 81, a.

"A letter frome the Commissioners at Londoun with a double of the commission for deliverie of Knockfergus, quhilks wer delivered be [*sic* to?] the Lord Chancellor to be ansuered be his Lordship."

Communication from the Commissioners in London.

Edinburgh, 15th February 1642.

Sederunt:—Chancellor; General; Argyl; Mar; Cassillis; Glencairne; Murray; Dunfermline; Lauderdail; Southesk; Weeimes; Findlater; Callander; Angus; Yester; Elphinston; Sinclar; Burley; Clerk Register; Justice Clerk; Treasurer Depute; Wauchtoun; Dundas; Morphie; Cavers; Provost of Edinburgh. Acta, November 1641-October 1646. Fol. 22, b.

Letter from his Majesty anent the nomination of officers of the army in Ireland.

"The quhilk day the letter underwritten, signed be the Kings Majestie and direct to the Lords of Privie Councel, wes presented and red in thair audience, quhairof the tenor followeth:—CHARLES R.—Right trustie and weilbeloved cousin and counseller, right trustie and weilbeloved cousins and counsellers, right trustie and trustie and weilbeloved counsellers, wee greet yow weele. Haveing formerlie be our letters of the 27 of January expressed unto yow our real sense of the sufferings of our good subjects in Ireland and our earnest desyre of sending thame some present supplie frome Scotland, to whiche effect wee have since given our royall assent to all suche articles as are agreed upon be our Parliament heere and Commissioners frome that our kingdome, among whiche wee have condiscendit to putt our toun and castle of Carrictfergus in the hands of our Scots subjects; and notwithstanding it wes ordered be us and our Parliament of Scotland that all general officers to be imployed in this expedition sould be nominated be us and our Councell thair, yit there haveing beene a blanke commission drawin up by order of our Parliament heere to be filled be yow with suche a persons name as yow sall thinke most fitt to be entrusted with our said toun and castle of Carrictfergus, whiche (least our distrest subjects sould be totallie ruined throw further delayes) wee have thought fit to signe, and the rather that wee are confident (out of your respect to us and conforme to the said order) you will not proceed to anie nomination heerin before yow knaw our further pleasure; assureing yow that verie shortlie wee sall offer to yow suche a man as sall be without all exception, and in whome yow may have just reason to confide. We bid yow hartelie fareweele. Frome our honour of Windsor, the 8 of Februar, 1642, *stilo Scotico*." Fol. 23, a.

Appoinment of a committee for establishing postal stages between Portpatrick and Edinburgh.

"The Lords of Privie Counsell recommends to the Earle of Cassills, the Lord Angus, Justice Clerk and shireff of Teviotdail to thinke upon the best wayes and meanes for establisheing of posts betwix Portpatrick and Edinburgh, and betuix Portpatrick and Carleil; and to call before thame suche persons as knaw the bounds and to try the most comodious places quhair the post stages may be established, and to report."

John Trotter, bailie in Edinburgh, to ward an Irishman in his own house.

"The Lords of Privie Counsell ordans and commands the maissers of Councel to passe and charge Johne Trotter, one of the baillies of Edinburgh, to addresse himselfe presentlie to the Lord Chancellers ludgeing, and to ressave frome the Lord Chanceller one Hugh McGie, Irishman, and to keepe him in sure firmance in his awne house whill he be releived of him be the Councell."

The Lord Chancellor and the Commis-

"The quhilk day the Lord Chancellor reproduced the letter with the double of the commission givin up to his Lordship upon Thursday last, Sederunts, February 1635-November 1643. Fol. 81 b.

Sederunts, February 1635-November 1643.

together with a double of his Lordships ansuer to the Commissioners letter." — sioners in London.

Fol. 81, b.

"The Lords recommends to the Erles of Southesk and Lord Burlie to thinke upon the best meanes for furnishing of victuall frome this to our forces going to Ireland and to call before thame such persons whom they think fitting to undertake this service." — Earl of Southesk and Lord Burleigh to superintend the providing of victual for the forces in Ireland.

"The quhilk day the Lord Chancellor produced twa principall commissions under the great seal of England anent Carictfergus, quhairof the one to remaine with the Counsell, the other to be givin to the person who sall be imployed to goe there." — Carrickfergus.

"A letter frome the Commissioners at Court anent the commission foresaid with the ansuers made be the English to thair propositions anent the levey of ten thousand men for Ireland, which the Lords having compared together, they give commission to the Lord Chancellor, the Generall, the Erles of Glencarne and Cassills, the Lord Burlie, the Lairds of Dundas and Morphie to meit and consider the saids papers and to advise what ansuer sall be returned thereto." — Letter from the Commissioners in London anent Carrickfergus and the Irish levies.

Fol. 82, a.

"The Lords ordains the twa macers of Counsell to attend everie Sunday in the east kirk of Edinburgh with thair maces and to keepe the loft where the Counsellers sitt and to suffer none to come in there but Counsellers." — Macers to reserve the seats of the Councillors in the East Kirk.

Acta, November 1641-October 1646.

Fol. 23, b.

Sederunt :—Cancellor; Argyl; Mar; Cassills; Glencairne; Murray; Lauderdail; Southesk; Weemes; Finlater; Angus; Elphinston; Sinclar; Burlie; Justice Clerk; Treasurer Depute; Wauchtoun; Dundas; Morphie; Cavers. — Edinburgh, 17th February 1642.

"The Lords of Privie Counsell doth heirby give warrand and commission to Alexander, Lord Elphinston, to stay and restraine certane soldiours in the Nesse who formerlie served under Captane Elphinston, nephew to the said Lord, and to command thame to follow out thair service." — Lord Elphinstone and certain soldiers who had served under his nephew.

Decreta, November 1641-October 1646.

P. 29.

[Sederunt as recorded above.] — Edinburgh, 17th February 1642.

Supplication by Captain John Winter, as follows:—He is informed that an order has come from the House of Commons for sending him to London. He is short of money, and must provide the same among his friends and acquaintances in Edinburgh to whom he can have no access because of his imprisonment. He therefore craves warrant to the Captain and Constable of the Castle of Edinburgh that they may permit him "to come to the said burgh of Edinburgh under the assurance of his keepers and there to deale with his freinds and acquaintance for moneyes for the space of three dayes, the said captain alwayes being answerable for his saife keiping and for his returne to his prisoun at night." The Lords grant warrant as craved. — Supplication by Captain John Winter, prisoner in the Castle of Edinburgh, to collect money among his friends to defray the expenses of travelling to London. See *ante*, p. 200.

Supplication by Sir George Johnstone of Caskieben, prisoner in the Tolbooth of Edinburgh, for a warrant to solicit his friends in connection with certain impending actions.

Supplication by Sir George Johnestoun of Caskiben, as follows:—He is a prisoner in the tolbooth of the Cannogate and has sundry actions before the Lords of Session which are like to miscarry "becaus he is restrained frome libertie to goe amongs the Lords of Sessioun and his lawyers to informe thame. And whereas it hes beene ane ordinarie courtesie to persons of his ranke in his caise to have libertie to sollicite in thair awne actions, having thair keepers alwayes with thame," he craves that he may have the like favour. The Lords ordain and command the bailies of the Cannogate to permit the supplicant to repair to the burgh of Edinburgh with their jailor "upon occasion of informing the Lords of Sessioun and his lawyers in his lawfull actions," they being always responsible for his safe keeping.

Decreta, November 1641–October 1646. P. 29. P. 30.

Edinburgh, 17th February 1642.

Irish affairs.

"The Lords appoints the morne at halfe eight to meit in Counsell to advise upon the orders sett doun be the Generall and committee for the Yrish affaires."

Sederunts, February 1635–November 1643. Fol. 82, a.

1500 stones weight of copper to be coined into turners.

"The Lords hes concluded and ordained 1500 stane weight of copper to be coynned with expedition in turnours of drop and halfe weight, and declares that, as the Counsell sall find expedient, they will adde to this quantitie; and ordains the Erle of Southesk, Lord Burlie and Lord Advocat to draw up the Act of Counsell for this effect."

Edinburgh, 22nd February 1642.

Sederunt:—Chancellor; Argile; Mar; Cassills; Glencarne; Murrey; Southesk; Wemes; Finlatter; Callander; Yester; Burlie; Clerk Register; Sheriff of Tiviotdaill; Dundas; Morphie; Provost of Edinburgh.

Decreta, November 1641–October 1646. P. 30.

Complaint by George Leslie of that Ilk and others against Sir Alexander Gordon of Cluny and others for illegally procuring the suspension of letters of treason.

Complaint by George Leslie of that Ilk, Mr Alexander Kinneir, Writer to the Signet, and Mr James Scott, merchant burges of Edinburgh, as follows:—Sir Alexander Gordon of Cluny, William Gordoun of Cottoun, William Abircrombie at the Milne of Dornoch, William Leslie of Ryhill, George Gordoun of Newtoun, John Gordoun of Innermerkie, and William Cowtts, younger of Achterfoull, are at the horn for debts due to the complainers, who, after using all legal diligence at great cost yet without effect, obtained letters of treason against them for rendering their houses and entering themselves in ward within the Castle of Blaknes. These were executed by a herald, but the defenders, finding themselves straitened thereby, to elude the consequences procured the suspension of these letters until a day now long past in June, 1637. Their intention was to defeat the complainers by never calling their suspension, and in this they have prevailed for now four years, through the troubles of the time. Charge having been given to the persons named, and George Leslie appearing for himself and the other pursuers, but the defenders not compearing, the said George Leslie protested that in regard of their absence and the non-production of their suspension, the letters of treason should be found orderly proceeded. The Lords admit the protestation and direct the letters of treason to be put to further execution.

P. 31.

Sederunts, February 1635-November 1643. Fol. 82, b.

"A patent under the great seale in favors of young Inchemartine quhilk wes delivered to the Erle of Glencarne in his name and ane act past thairupon. Young Inchmartin.

"The Lords nominats the Marques of Argile to preside in absence of the Chancellor." Marquis of Argyle to preside in absence of the Lord Chancellor.

Acta, November 1641-October 1646. Fol. 23, b.

Sederunt:—Chancellor; Argyl; Mar; Morton; Cassills; Glencairne; Dunfermline; Southesk; Weimes; Finlater; Callander; Angus; Burlie; Balcarres; Clerk Register; Justice Clerk; Wauchtoun; Dundas; Morphie; Cavers. Edinburgh, 24th February 1642.

"Forsameikle as these diverse yeeres bygone this countrey hes susteaned great hurt and prejudice by the huge quantitie of the base and copper money coyned and brought in within the same, whiche being in weight farre within the intrinsek value of the copper, gave occasion to avaratious spirits to hazard upon the counterfooting thairof, and so to fill the haill countrey with the same, till the evill come to that height that the course thairof dois altogidder cease, to the undoing of these poore who live upon almes and pennie worthes; and the Lords of Privie Counsel, being careful in a mater so muche concerning the publict to provyde for the poore and exchange of small comodities and to obviat and prevent the abuses formerlie committed in maters of this kynde, after mature advyce and deliberation they have fund it necessar and expedient, concludit and ordand that with all convenient diligence there sall be fyftene hundreth stane weight of copper, unmixst with anie other mettal, wrought and prepared for the printing and to be printed be swey and presse in tua pennie peeces of ane dropt weight and ane halfe, to prevent counterfooting quhairof ten and a tua part of the saids tua pennie peeces to be in the unce weight, and four score fyve thairof and a third part thairof to be in the marke weight, with tua and a halfe of the saids peeces of remeid of weight, alsweel heavie as light, in the marke weight thairof; the saids peeces haveing on the one syde ane imperiall croune and the letters C.R. at the syds thairof, with this circumscription, CAR·D·G·SCOT·ANG·FRA·ET HIB·R·, and on the other syde the thrissell with tuo leaves with this circumscription, NEMO·ME·IMPUNE·LACCASSET; and ordans Fol. 24, a. the saids peeces to have course among his Majesties subjects for tua pennies, with this provision and condition that nane of his Majesties said subjects sall be astricted to ressave of this copper coyne above the value of six pennies in ilk pund in payment of debts, blocks, waires or merchandice: Commanding heirby the generall, master cunyear, wardane, counter wardane and sinker to prepare thameselfes and to proceid with all convenient diligence to the melting, forgeing, cutting and printing of the saids tua pennie peeces, and carefullie to attend thair severall services heirin, to the effect the said haill fyftene hundreth stane weight may be printed for the use of his Majesties leiges betuix and the first day of Januar nixt, as they will ansuer to his Majestie and the Councell upon Warrant for the coining of 1500 stone weight of copper.

the duetie of thair offices. And the saids Lords finds it necessar and expedient to discharge, lykeas be thir presents they doe discharge, the course of anie other copper coyne of whatsomever stamp or weight heirtofore current after the tuentie day of Marche nixt, and ordans letters of publication to be made heirof at the mercat croce of Edinburgh and others places neidfull, quhairthrow nane pretend ignorance of the same, and to command and charge all and sundrie his Majesties leiges and subjects to ressave the saids tua pennie peeces in payment of debts, blocks, wairs and merchandice in maner forsaid, and in no wayes to refuse the same under whatsomever cullor or pretext, under all hiest paine, and that they give nor receave no other copper coyne whatsomever after the said 20 day of Marche nixt under the same paine; and the saids Lords declars that quhatsomever person or persons sall bring in to the master of his Majesties mint the said copper coyne thus discharged that the maister sall be oblidged to give thame threttene shillings 4d. money of this realme for the pund weight thairof furthe of the reddiest of the saids turnors now to be coyned how soone possiblie he can, provyding the said copper coyne to be imbrought exceed not, bot be within the quantitie of the said 1500 stane weight, quhilk quantitie the maister is now warranted to coyne; and, for eshewing of confusion in the satisfaction to be given for the said imbrought copper, ordans the said maister of the mint to make a roll of the names of the imbringers, when and how muche is imbrought, and according to the order of imbringing to give them satisfaction." Acts, November 1641–October 1646. Fol. 24, a.

Proclamation against the reset of soldiers deserting the regiments proceeding to Ireland.

"Forsameikle as be act and proclamation of the date the tent of this instant the souldiours of the regiments under General Major Monro and Colonel Home were charged to goe on in that service and not to disband under the paine of death, as also suche of thame as wer runnawayes were charged to returne to thair cullors and follow out that service within six dayes after the charge under the said paine of death, and sicklyke all his Majesties leiges were straitlie inhibit to ressett the saids runnawayes under the paines conteaned in that proclamation, notwithstanding quhairof the Lords of Privie Counsell are informed that diverse of the saids souldiours, since the publication of the said proclamation, have become fugitives, and these who were runnawayes before have not returned to thair cullors, bot all of thame are still ressett and harboured among thair freinds and acquaintance and others persons in the countrey to the great prejudice of this important service; and, quhairas the impunitie quhilk these unworthie persons promiseth to thameselfes appeares to be the caus of thair base and undutifull behaviour in this service of so great concernment, the Lords of Secret Counsell have resolved with all rigor and extremitie to putt the said act and proclamation to execution aganis the saids runnawayes and thair ressetters and aganis all others who are or sall be enrolled heirafter to go to Ireland in this expedition; and for this effect ordans letters to be direct to command, charge and inhibit all and sindrie his Majesties leiges and Fol. 24, b.

Acta, November 1641–October 1646. Fol. 24, b.

subjects, yit as of before, that nane of thame presoome nor take upon hand to resset, hoord nor conceal anie of the saids fugitive souldiours who have alreddie or sall heirafter disband, bot that they doe thair best endevors for thair apprehension, and delyver thame to the neerest magistrats to be committed be thame to thair jayles, thairin to remaine till justice be done upon thame be order frome the saids Lords of Privie Counsell, under the paines following, viz., everie landit man ressetted of v^{c} merks and everie yeoman under the paine of ane hundreth merks, certifieing thame that sall failyie that the saids paines salbe uplifted, the one halfe thairof to his Majestie and the other halfe thairof to the partie informer of the saids ressetters; and to command and charge all shireffs, stuarts, baillies of regalities and baillieries, and thair deputs, provests and baillies of borrowis and all other judges, officers and magistrats to burgh and land, to use thair best diligence for tryel and apprehension of anie fugitives being within thair bounds, and if anie of the saids fugitives sall be dilate or given in roll to thame be thair officers and others haveing warrand under the hand of the colonel, leiutenent colonels or captans, that they searche, seeke, take and apprehend thame quhairever they may be had within the saids bounds, and either to delyver thame to the saids officers and others forsaids or otherwayes to committ and keepe thame in sure firmance till they give advertisement to his Majesties Councel, and ressave orders for thair punishment, as also to take particular and exact tryell of thair ressetters and to give up a list of thair names to the Lords of Privie Counsell, to the effect they may be called and punished as accords, and to ressave into thair jayles all suche fugitives as sall be brought to thame be anie of his Majesties subjects, to remaine thairin in maner foresaid, as the saids magistrats will ansuer to the saids Lords upon the duetie of thair offices."

Decreta, November 1641-October 1646.

[Sederunt as recorded above.]

Edinburgh, 24th February 1642.

P. 31.

P. 32.

Complaint by Dame Elizabeth Forbes, Lady Caskiben, as follows:—Upon letters of caption at the instance of Mr Alexander Jaffrey of Kingswalls, provost of Aberdene, and Thomas Johnestoun of Craig, chamberlain of Caskiben, for her alleged non-compearance before their Lordships, she was apprehended and made prisoner with her husband in the tolbooth of the Cannogait, where they presently remain. Now, she was never lawfully charged, and as she has found caution to compear on the 24th of February and answer to the complaint against her under the penalty of 300 merks, and pay £40 for her escheat if found liable so to do, she ought therefore to be relaxed and put to liberty. Charge having been given to the said Mr Alexander Jaffray and Thomas Johnstone of Craig, and they compearing by James Gibsone, advocate, and the complainer compearing personally, the Lords, after hearing parties, continue the case until 6th April next, on which day the complainer enacted herself to

Complaint by Dame Elizabeth Forbes, Lady Caskieben, against Alexander Jaffrey of Kingswalls and Thomas Johnston of Craig for illegally detaining her in ward.

P. 33.

appear before the Council and to keep ward in Edinburgh meanwhile. The Lords also modify to her a dollar per day for her maintenance to be paid by the defenders, for payment of which Mr Robert Ferquhar, bailie of Aberdene, being personally present, became cautioner; and they ordain that the defenders shall prove their complaint against the Lady Caskiben on the said day, in which, if they succeed, the said modification is to be added to the debts due by the Laird of Caskiben, but if they fail, it is to be paid by the defenders only. Decreta, November 1641–October 1646. P. 33.

Marquis of Argyle continued as vice-president.

"The Lords continewes the Marques of Argile præses in absence of the Lord Chancellor." Sederunts, January 1635–November 1643. Fol. 82, b.

Collections for the poor in Ireland.

"The Lords appoints the Erles of Cassills, Southesk, Morphie and Wauchton or anie twa of thame, to advise upon the answers to be given to the petitions givin in for some proportion of the collections gathered for the poore people of Ireland and to call unto thame the ministers of Edinburgh or such as they thinke fitting to give thair advice anent the distribution of the saids collections, and to report thair opinions thairanent."

Proclamation regarding the date of Lent.

"Ordanis a proclamation to be made declaring Lent to begin the first of Marche and to end the first of May and to be keeped so heerafter according to the act of Parliament 1594." [This minute scored through.]

Edinburgh, 26th February 1642.

Sederunt:—Preses, Argyle; Mar; Cassills; Glencairne; Dumfermline; Southesk; Finlater; Yester; Justice Clerk; Treasurer Depute; Cavers; Morphie. Acta, November 1641–October 1646. Fol. 24, b.

Major-General Monro appointed commander of the 2500 men who are to garrison Carrickfergus.

"Forsameikle as the Kings Majestie, with advyce of the Parliament of England, hes thought that the 2500 men whiche have beene under pay in this kingdome this tyme bygane be furthwith sent to Ireland and placed in the toun of Knockfergus *alias* Carrictfergus there for defence and preservation of the same frome the rebells and thair adherents in Ireland, upon the conditions agreed upon betuix the Parliament of England and the Scots Commissioners, and by comission under the great seale of the said kingdome, of the date at Westminster the eight of February instant, hes given full power to the person or persons to be nominat and chosin be the Lords of Privie Counsell of Scotland to have the cheife government of that toun and castle of Carrictfergus and of the 2500 men in maner and to the effect at lenthe exprest in the saids commission, quhairof the Lords of Privie Counsell haveing ressaved diverse authenticke duplicats, and they haveing tane this mater to thair serious consideration, after mature advyce they have nominated, elected and chosin, and be thir presents nominats, elects and chooses General Major Monro to be cheife commander of the said 2500 men, and to have the goverment of the toun and castle of Carrictfergus, as a person sufficientlie qualified for that service, unto whome they have delyvered ane authentick duplicat of the said commission under the great seale of England for his warrantable procedor in the said employment, conforme Fol. 25, a.

Acts, November 1641-October 1646. Fol. 25, a.

thairunto and to the instructions given to him be the saids Lords of Privie Councel thairwith, and this to endure ay and whill he ressave farder order frome the Councel for that effect."

"Instructions frome the Councell to General Major Monro, 26th February, 1642.

Instructions to Major-General Monro.

"First, yow sall have a special care of the embarking and transporting of the souldiours committed to your charge, according to your instructions; quhilk being done yow sall furthwith repaire to the toun and castle of Carrictfergus, and accept, ressave aud keepe the same conforme to the commission under the great seale of England and act of Counsell, following thairupon given to yow heirwith.

"When you are possest of the toun, yow sall send for the noblemen and gentlemen of best accompt in these bounds, and be thame try the estate of the countrey.

"You sall lykewayes take notice of the toun it selfe, with the harberie and landing place thair, and goe about these things that are most fitting for secureing thame, and be advyce of the special men of the bounds yow sall call in the haill victuall of the countrie neerest to the enemie, to be layed up and kept in such places as yow sall thinke fitting for the use of his Majesties good subjects.

Fol 25, b.

"Yow sall be earnest in sutteing intelligence and trying the strenth, nomber and command of the enemies armie, and according to your intelligence yow sall pursue thame with diligence, first secureing the places committed to your trust. Yow sall take tryell of the strenth of the British in these bounds, of thair nomber and armes and of the ammunition and victuall yow find in the toun, and if commissars be there for answering the necessars of the armie; and yow sall give us speedie advertisment thairof; and generallie yow sall doe everie thing that may conduce for the saiftie of his Majesties good subjects and suppressing the rebells according to the commission; and be carefull that no prejudices nor jealousies aryse betuix the English and these of our nation thair, since yow are to have equal respect to both."

Edinburgh, 28th February 1642.

Sederunt:—Preses, Argyle; Mar; Cassills; Glencairne; Dumfermline; Southesk; Finlater; Yester; Justice Clerk; Treasurer Depute; Morphie; Cavers.

Anent a collection of four thousand pounds raised in the Presbyteries of Ayr and Irving for the relief of the poor in Ireland.

"The Lords of Privie Counsel, haveing at lenthe hard the commissioners frome the presbiteries of Air and Irwing anent some proportion of the collections gathered for releiffe of the poore people in Ireland desyrd be thame to be advanced furthe of the reddiest of the saids collections for supplie of great nombers of the saids poore people in thair bounds, and findeing thair desyre to be just and reasonable, they have ordand and be thir presents ordans George Suttie, merchant burges of Edinburgh, to

delyver the soume of foure thousand punds furthe of the reddiest of the saids collections being in his hands to John Kennedie, baillie of Air, and Mr John Rosse, indweller in Irwing, to be distribut among the saids poore people by order of a committee to be made up of some of the tua presbiteries forsaids, and the magistrats of the saids tua borrowis; for doing quhairof thir presents sall be to the said George sufficient warrand." Acta, November 1641–October 1646. Fol. 25, b.

Charge to the bailies of Kirkcudbright to send certain suspected Irishmen to Edinburgh that they may be examined by the Council.

"Forsameikle as the baillies of Kirkcudbright have apprehendit and doe keepe in firmance certane Irishmen, viz.:—Major Gilmor, James Savage, George Rudlie, Daniel Enriken, Edward Leagh, and John Flood upon clear presumptions that they are suspect persons, as may appear be thair depositions sent hither be the saids baillies, the Lords of Secret Counsell, for the more full more and exact tryell of the saids persons, ordans the saids baillies to bring and exhibit the saids six Irishmen before the saids Lords with convenient diligence, ordaneing heirby the provest and baillies of Edinburgh to receave the saids persons frome suche as sall have the charge of thair convoy, and to committ thame to warde till they be tryed and examined; and the Lords declars that they will sie the charges bestowed be the saids baillies in transporting of the saids persons thankfullie and tymouslie repayed to thame." Fol. 26, a.

Order for the payment of soldiers embarking for Ireland.

"The Lords of Secret Counsell ordans and commands William Thomesone, who wes personalie present, to direct some persone with moneyes to pay the souldiours that are presentlie to be embarked, according to the orders of the Committee for the common burdens, and to report the rolls subscryved upon oath, and that he himselfe, or some other for him, be present at the souldiours randevous for that effect, in respect that General Major Monro hes promeist to embarke thame on Fryday nixt, wind and weather serving."

A fee to be granted to Archibald Primrose, Clerk to the Council, for his services in connection with despatching soldiers to Ireland.

"The Lords of Privie Counsell, haveing tane to thair consideration the daylie and painfull travells of Archibald Primerose, thair clerke, in this extraordinarie service concerning the dispatche of the souldiours going to Ireland, in wryting and expeding the letters, acts, proclamations and commissions issued furthe for that effect, and that he hes no feal allowed to him for that service, recommends to the Commissioners for the common burdens the granting of suche allowances to the said Archibald for his extraordinarie service, as they sall thinke fitting.

Edinburgh, 1st March 1642.

Sederunt:—Chancellor; Argyle; Mar; Morton; Cassills; Glencairne; Dunferlin; Lauderdail; Southesk; Weimes; Findlater; Angus; Yester; Sinclar; Burley; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Morphie; Dundas; Cavers; Provost of Edinburgh.

Letter from his Majesty approving the appointment of Major-General

"The quhilk day the letter underwritten, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being this day exhibit and red in thair audience, and they weele advysit thairwith, they have

Acta, November 1641–October 1646. Fol. 26, a.

ordand the same to be insert and registrat in the books of Privie Counsell, quhairof the tenor followeth: — CHARLES R.—Right trustie and weilbeloved cousin and counseller, right trustie and weilbeloved cousins and counsellers, and right trustie and trustie and weilbeloved counsellers, wee greet yow weele. Nothing can be more acceptable to us then is (as wee perceave be your letter) your reddines to send that present assistance to our distrest subjects in Ireland whiche wee desired frome yow, quhairby yow have exprest your respect to us and affection to thame, for whiche wee give yow hartie thanks.

Monro as commander of Carrickfergus nominating the Earl of Leven as commander of the forces in Ireland, and desiring that the Marquis of Argyle be sent to England to aid his Majesty with his counsel.

"And as formerlie wee wrote to yow to continow the nomination of the person who is to have the present command of these forces that goe at this tyme for defence and keeping of our town and castle of Carrict-

Fol. 26, b.

fergus untill wee had signified our further pleasure, so now wee have thought fitt to offer unto yow Serjant Major Generall Monro for that effect, whome wee conceave to have deserved that trust frome yow, as may assure him of your approbatioun heerin.

"And whensoever the remainder of the forces condiscendit on sall be reddie to be sent over, wee have lykewayes thought fit (to avoyde the appearance on our part of the least delay) to nominat our trustie and weilbeloved cousin and counceller, Allexander, Earle of Leven, to be General of the haill forces, als weele of these that are to be presentlie sent as of these to be sent heirafter, being a person on whose worth and merit wee may with assurance confide in.

"As wee verie weele approve of your resolution of employing heere the Marques of Argyle, so wee desire (our affaires at this time so requyring it) that he may be dispatched hither with all convenient diligence, since the perfyte knawledge wee have of his affection and fidelitie assureth us of his best endevors and advyce in all our services now in hand. Wee bid yow hartelie fareweele. Frome Dover, the 20 of Februar, 1642, *stilo Scotico*."

Marquis of Argyle's going to Court delayed till information be received from the Scots Commissioners in London.

"The Lords of Privie Counsell, having red, hard and considerit his Majesties letter written to thame, approveing thair resolution of employing the Marques of Argyl at Court, and desiring that he may be dispatched thither with all convenient diligence, and the Lord Marques haveing produced a letter written be his Majestie to his Lordship for that same effect, and withall the Lords remembring that they had written to the Commissioners to know if the Lord Marquesse his going up might be acceptable to the Parliament of England, they continow the Marquesse his upgoing thair till they first heere the Commissioners answer thairanent."

Decreta, November 1641–October 1646. P. 35.

[Sederunt as recorded above.]

Edinburgh, 1st March 1642.

Complaint at the instance of Jean Achinmowtie, lawful sister of Sir David Achinmowtie of that Ilk, and spouse to Mr David Sibbald, fiar of Cair, son to the parson of Benholme, as follows:—In her contract of

Complaint at the instance of Jean Auchmutie, sister of Sir David

Auchmutie of that Ilk, and spouse of Mr David Sibbald, fiar of Cair, against Mr James Sibbald, her father-in-law, for defrauding her of aliment for herself and her children.

marriage made in February, 1625, she was infeft in conjunct fee and liferent in the lands of Cair and pertinents thereof extending to twelve chalders of beir and meal which the said Mr James and his son obliged themselves to warrant for the yearly rent foresaid. Her husband cohabited with her for several years thereafter until he, for fear of the censures of the Kirk for suspicion of adultery, "quhilk she for her affectioun to his barnes did never challenge, departed aff the countrie, with advice of his father, a politick man, pretending he wes in debt." His said father took assignation to the lands and property and uplifted the rents thereof, of which she and her husband have only received 24 bolls of beir and meal, "quhilk wes evill payed to her for the maintenance of her, her sone and daughter, whilk she willinglie accepted for the space of fyve yeeres when her barnes wer young, and within which space her husbands said father undertooke to pay the saids pretended debts, and after expyring of the saids yeeres to have recalled and repossest the compleanners said husband and her in the saids lands and houses." But the said Mr James has ever since caused his son remain out of the country, and, while uplifting the rents foresaid, will not allow honest maintenance to the complainer and her son and daughter, who are now come to perfect age, but are "almost lost for want of competent interteanement according to thair birth and condition. And whereas the compleanners husband receaved with her the soume of 5000 merkes in tocher, ane considerable meanes with a gentle woman of her birth, and that she hes two childrene and herself to interteane, and hes committed no oversight whereby they sould be prejudged of what is due to thame be the said contract of mariage, and that the fault, if anie be, is in her said husband and his father colluding to keepe her husband out of the countrie in her prejudice, to the effect he may uplift her conjunct fie to his own use, allowing nothing in the meane time to her and her barnes but a beggarly allowance and coathous, the hous of Cair in the meane time standing emptie," she complained to his Majesty and the Estates of Parliament and they remitted the matter to the Council. Charge having been given to the said Mr James Sibbald, who compeared by Mr Robert Keith, W.S., as his procurator, "sufficientlie instructed be warrant under the said defender his hand," dated at Edinburgh, 26th February last, and the pursuer compearing personally, the Lords, after hearing parties, and with the consent of both, modify to the said Jean Auchinmowtie for the maintenance of herself and her children during the absence of her husband and his not cohabiting with her the rents of two-thirds of the Maynes of Cair with the teinds thereof, possessed by Joseph Simsoun and William Muire, authorising her to uplift the rents thereof for the year 1642 and in time coming as above, and input and output tenants at her pleasure. They also ordain the said Mr James Sibbald to place her in legal possession thereof. This is to be to her and her children a sufficient maintenance without any addition to be granted hereafter, and she is to "breed and educat thame thereupon at bed,

Decreta, November 1641–October 1646. P. 35.

P. 36.

P. 37.

Decreta, November 1641-October 1646. P. 37.

boord, schooles and other educatioun fitting for thame during the said space, wherein if she faillie and if it sall be found so be Sir David Achinmowtie, her brother, and the said Mr James Sibbald, in that caise her said childrene sall have assigned to thame for thair maintenance the just and equall halfe of the rent foresaid." She personally accepted hereof, and the Lords declare that this modification shall not be in prejudice of her liferent right to the two part lands of Cair if she should survive her husband. Further, because the said Jean has no maintenance for the present, the Lords authorise her to uplift four chalders victual of the year 1641 presently in the tenants' hands. They also declare that she is not to be troubled with the payment of any sums of money contracted by her husband before he left the country.

P. 38.

Supplication by Angus M'Donald, grandson to the Laird of Glengarry, for liberation from ward in the Castle of Edinburgh.

Supplication by Angus McDonnald, oy to the Laird of Glengarrie, as follows:—He has been a prisoner now for about thirteen weeks in the Castle of Edinburgh for not exhibiting certain of the Clan Donnald, and in this prison he has been at great expense for the maintenance of himself and his two keepers, which he is no longer able to bear. He is content to find caution either to exhibit the persons referred to by a certain date to be set by their Lordships, or to re-enter his ward, and meanwhile to keep ward within the burgh of Edinburgh under such penalty as they may think fit. He therefore craves a warrant to the captain, constable and keepers of the said Castle, to liberate him. Sir John McKenzie of Tarbett has become cautioner in £10,000 that the supplicant on being liberated shall remain within the burgh of Edinburgh, and appear before the Council upon its first meeting day in June next, so that if before that date he has not given satisfaction by the exhibition of the persons foresaid, he may re-enter his ward within the said Castle, the Lords grant warrant as craved.

Acta, November 1641-October 1646. Fol. 26, b.

Edinburgh, 3rd March 1642.

Sederunt:—Argyle, Preses; Mar; Morton; Cassils; Glencairn; Lauderdail; Finlater; Clerk Register; Advocate; Treasurer Depute; Wauchtoun; Cavers.

Commission appointed to examine certain prisoners in the Tolbooth.

"The Lords of Secreit Counsel nominats and appoynts, and thairwithal gives commission to the Earle of Cassils, Lord Advocat, Justice Clerk and Shireff of Teviotdaill, to conveene at some convenient tyme and to heere and consider the report of the Justice Deput anent some prisoners within the Tolbuith of Edinburgh, and to remonstrat the same to the Councel."

Proclamation that Lent begin on the 1st of March and end on the 1st of May.

"Forsameikle as in the Parliament haldin at Edinburgh in the moneth of Junij, 1594, it is statutte and ordand that in all tyme comeing the tyme of Lentron, for preventing the dearth and scarsetie of all kynd of

Fol. 27, a.

fleshes, sall be certane fra the first day of Marche inclusive to the first day of May exclusive; lykeas for avoiding all appearance of superstition in this poynt the Lords of Privie Councell, haveing tane the said act to thair consideration, they find it necessar and expedient that the

leiges be tyed to the observation thairof in all tyme comeing, and that the selling, slaying and eating of flesh forbidden heirtofore sall be, dure- the tyme forsaid, prescrybed be the said act of Parliament, and conforme to the tenor heirof in that point; and ordans letters to be direct to make publication heirof be opin proclamation at the mercat croce of Edinburgh and other places neidfull quhairthrow nane pretend ignorance of the same; and to command, charge and inhibit all and sindrie his Majesties leiges and subjects of quhatsomever ranke, qualitie and degree, that nane of thame presoome nor take upon hand fra the said first day of Marche inclusive till the first day of May exclusive, to eat or make readie for eating anie kynd of flesh, and that no fleshers presoome nor take upon hand, dureing the tyme forsaid, to slay nor sell anie flesh upon quhatsomever cullor or pretext, under the paines conteand in the acts of Parliament; certifieing thame that failyies that the saids paines salbe uplifted frome thame without favor; and siclyke to command and charge all and sindrie shireffs, stuarts, provests and baillies of borrowis, and all others bearing anie publict charge within this kingdome, everie one of thame within thair severall offices and jurisdictions, to have a special care and regard to sie this present act observed in everie point.

Acta, November 1641-October 1646. Fol. 27, a.

Edinburgh, 3rd March 1642.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 39.

Judgment by the arbiters in the case of Isabel Hunter, widow of Michael Roresone of Caldside, aganist James Crichton.

See *ante*, p. 188.

The Lords, having read and considered the Decreet Arbitral after-mentioned, interpone their authority thereto and ordain the same to be registered:—It is by John, Earl of Cassills; John, Earl of Lauderdaill; and Sir James Carmichaell of that Ilk, Deputy Treasurer, as judges arbiters appointed for the determination of the complaint made to his Majesty and the late Parliament by Isobel Hunter, widow of Michael Rorestone, of Caldside, for herself, and in name of William Roresone, her son, and son and heir served and retoured to the said deceased Michael, and her four remanent fatherless children, [narrated *ante*, p. 188], before whom the said parties having compeared at several diets, Isobel Roresone produced the retour of William Roresone, her son, as nearest and lawful heir of the deceased Michal Roresone, his father, dated at Edinburgh, 20th March, 1639; and a decreet recovered before the Lords of Session at the instance of herself and her said son for exhibition of the writs therein contained, dated at Edinburgh, 1st February, 1639; and the said James Crichtoun produced a box with the whole writs he is ordained to exhibit except one sasine which he says is lying in process and undertakes to produce, as also a rolment of court of the barony of Glencarne, dated 4th June, 1636, by which Andrew Roresone P. 40. is convicted of the stealing "of ten elnes of gray, twa swords and a clok bag with diverse commoditeis being therein, and for commoun thift and ressett of thift," for which the said bailie continued the sentence until he had advised with the Council who warranted him to pronounce the doom of banishment. The bailie accordingly banished the said Andrew,

Decreta, November 1641–October 1646. P. 41.

but the warrant was not produced. Also, he produced a presentation under the quarter seal, dated at Edinburgh, 25th July, 1636, directed to William Fergusone of Craigdarroch, superior of the lands of Caldside and Craignie for infefting the said James in the said lands as falling in his Majesty's hands by the forfeiture of the said deceased Andrew Roresone for the theft foresaid, with the charter of infeftment granted at Monyeive on 20th January, 1637, by the said William to the said James Crichtoun, and sasine following thereupon of the same date. He also produced a precept by the Sheriff of Dumfreis, dated 30th May, 1638, following upon a Decreet of removing by the said sheriff dated the previous day against the said Isobel Hunter, in terms of which on 6th June, 1638, Andrew Cuninghame of Snaid, sheriff depute, gave possession to John Crichtoun, notary in Sanquhar, in behalf of the said James, of the lands of Little Mark and Craignie. Having considered all the above and heard all the parties, the judges find that the said deceased Andrew Roresone was convicted merely of the simple theft and not of theft as committed by a landed man against the act of Parliament in July, 1587, and that no doom was pronounced against him but that of banishment, so that the lands pertaining to him either as heritor or apparent heir could not fall into his Majesty's hands by forfeiture. They therefore find that the right and possession of these lands acquired by the said James Crichtoun is null and void and ordain him to remove himself and his tenants from these lands of Caldside and Craignie before 29th May next, and to deliver up to the said Isabel Hunter all the writs and evidents contained in the decreet of exhibition before mentioned, so that she may enter to the possesson of these lands in the same condition as she was when he dispossessed her; also to deliver to her the sasine he says is lying in process before the day foresaid. If he fail herein, he is to be found liable in payment of the rents of the lands thus meddled with by him for the seven years past and of the violent profits in time coming. The judges request that the Lords will register this their decreet as an act of Council; and they sign the same at Edinburgh, 3rd March, 1642, before these witnesses; James, Earl of Finlatter; George, Lord Forrester; and Archibald Primerose, Clerk of the Privy Counsell. (Signed) CASSILLIS; LAUDERDAIL; Findlater, witnes; Forrester, witnes; A. Primerose, witnes.

P. 42.

Complaint by William Cuninghame of Aiket, as follows:—He has been charged to pay to Anna Inglis, his spouse, £200 for two months maintenance, the half within six days after the charge, and the other half before 1st March next on pain of horning. Now "she nather hes nor can have anie just ground to seeke maintenance frome the compleaner, and howbeit she had ground, yitt she hes made him altogether unable to pay the same, as the saids Lords may perceave by the particulars following. For they having lived together these manie yeeres bygane in peace and amitie according to their conjugall bands, about a yeere since or thereby the said Anna conceaved some groundles jealouseis

Complaint by William Cunningham of Aiket to the effect that he is unjustly charged to provide aliment for Anna Inglis, his spouse.

See *ante*, p. 172.

which by misinformations did grow to that hight with her as she resolved to wrack the compleanner. And for this effect she first displenished his hous, brake up his kists, tooke away his writts, his silver and gold work, his bedding and furnishing of great coast with divers rich abuilyments, all sort of naperie, and left not so much as his fire vessells, to the worth of 2000ℓ. or thereby, which she hes putt away, and she hes also abstracted a band of 400ℓ. belonging to the compleanner and disponned thereupon at her pleasure, quhairby she hes putt him frome meanes and credit. And when as she brought the compleanners name in questioun before the Committee he satled with her and by contract obliged himselfe to give her j^m^ merks for interteanement of his hous and familie, quhairof [she] having accepted and promised to redeliver the compleanners writts, she entered in pursute before our Counsell aganis him, and since her unwarranted separatioun frome him hes receaved eight hundreth merks which with the burden lying upon the compleanners estat hes greatlie hurt the same." Nevertheless, for eschewing the horning he has found caution for obeying the charge and craves its suspension. Charge having been given to the said Anna Inglis, and both she and the pursuer compearing personally and having been heard, the Lords find, notwithstanding the above averments, that the horning is "orderlie proceeded" and ordain it to be put to further execution. He had consigned £100 and is to pay the other £100. Decreta, November 1641–October 1646. P. 43.

Charge to Anna Inglis to return to the home of her spouse, William Cunninghame of Aiket.

Complaint by Anna Inglis, spouse of William Cuninghame of Aiket, against her said husband, as formerly narrated [*ante*, p. 172]. This action was continued till 21st February last when, both parties compearing, it was again postponed to this day to give them the opportunity of amicably settling the matter. Both parties again compearing, the Lords, after hearing them and the depositions of certain witnesses, and after consideration of offers made by the said William Cuninghame to his said spouse, "ordains and commands the said Anna Inglis to goe home and live with her husband and to adhere to him, and to behave herselfe as becomes a dewtifull spous to her husband, and forbeares the granting of anie farther modificatioun at this time, becaus the said William Cuninghame, being personally present, acted, band and obliged himselfe to receave the said Anna Inglis, his spous, home to his hous and familie and to use her with all kyndlie and dewtifull respect, wherein if he faillie the saids Lords declares that he sall not onelie be lyable to a modificatioun to his said spous but also to such other personall punishment as the Counsell sall think fitting; and also becaus Alexander Cuninghame, brother to the Laird of Robertland, and Andrew Sempill of Bruntsheills is become cautioner for the said William that the said Anna, his spous, sall be harmlesse and skaithlesse in her person, and not to be troubled nor molested therein be him nor no others of his causing, command nor ratihabition, under the pane of j^m^ lib." P. 44.

Complaint by Mr William Lumsden

Complaint by Mr William Lumsden, advocate, in Aberdene, as follows: —He was attending the Lords of Session in his lawful affairs, when

Decreta, November 1641-October 1646. P. 45.

"some of his unfreinds, resolving to debarre him frome free accesse to that judicatorie ather for himselfe or his freinds, tooke advantage of a captioun raised upon a sentence of excommunication pronunced aganis him in Aberdene for disconformitie to the religioun presentlie established," and had him warded in the tolbooth of Edinburgh on Monday last. At the time the said sentence was pronounced he was under conference with the ministers of Aberdene and in a way of giving them satisfaction, "but the sentence wes upon some interveening occasions abruptlie pronunced without full hearing, and he is still resolved to goe on with the ministers of Aberdene and to use all meanes they will prescribe for satisfeing his scruples so as he may with knowledge and persuasion sattle himselfe in a mater of so great importance with all convenient diligence, and sall find caution for his conformitie to the religioun established and satisfactioun of the Kirk betuix and Witsonday nixt, or ellis that he sall remove himself out of the countrie within such a space as the saids Lords sall appoint and under the paines to be prescribed be thame." Charge having been given to Mr Andrew Ker, advocate, in name of Sir Archibald Johnestoun, procurator for the Kirk, and he and the complainer both compearing and having been heard, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer in so far as he is warded for the foresaid cause, because Patrick Leslie, late provost of Aberdene, being personally present, became cautioner for the pursuer's compearance before their Lordships on the first Tuesday of June next, either with a testificate of his having satisfied the Kirk or prepared to undergo banishment, and that meanwhile he will address himself to the presbytery of Aberdene and desire conference of them for resolution of his scruples, and carry himself without offence or scandal, under a penalty of £2000. The said William also undertook to relieve his said cautioner of all danger he may incur through this cautionry.

advocate, for illegal detention in the Tolbooth of Edinburgh on the ground of his religion.

P. 46

Acta, November 1641-October 1646. Fol. 27, a.

Sederunt: — Chancellor; Argyl; Morton; Murray; Cassills; Lauderdail; Southesk; Weeims; Callander; Angus; Yester; Sincler; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtoun; Cavers.

Edinburgh, 5th March 1642.

"The quhilk day the Lords of Privie Counsell, haveing red and considerit the letter written be thame to the Commissioners, with the proposition of the Commissioners to the Parliament of England, and the answer of the Parliament thairto anent the Lord Marquesis going to Court, they ordane a letter to be written acquainting his Majestie with the same, and in the meanetyme continowis the Lord Marquesse his going there."

The visit of the Marquis of Argyle to the Court postponed. See *ante*, p. 211.

"The quhilk day the Lord Chancellor, haveing upon reading the answer of the Parliament of England to the proposition given into thame be the Scots Commissioners anent the Marquess of Argyl his going to court, represented to the Counsell whither or not thair Lord-

Anent the visit of the Lord Chancellor to the Court.

ships sould thinke fit to take notice of the mentioning his Lordships name in that answer. The Counsel in respect they had written nothing to the Commissioners anent the Lord Chancellor going to Court and that thair is nothing conteand in the forsaid proposition, resolved that it wes not expedient to take notice thairof, bot remits to the Lord Chancellor his awne discretion the convenience and tyme of his going, as he sall find his Majesties service to requyre." Acta, November 1641–October 1646. Fol. 27, a. Fol. 27, b.

Warrant to William Thomson, receiver of public dues, to disburse money in connection with the levies for Ireland.

"The Lords of Secret Counsell, considering that, be reason of the leveyes and expeditions for Ireland, there will be frequent occasions in this tyme of vacance of deburseing of moneyes for advanceing of the saids expeditions, for the quhilk order is to be given be the Committee for the Common Burdens to William Thomeson, ressaver of the publict dues, thairfore the saids Lords of Privie Councell, recommends to the Committie of the Common Burdens to exped ane act of the said Committee, giveing order to the said William Thomson to deburse all suche moneyes as he sall be commandit be the saids Lords of Privie Councell to the effect forsaid, and declaring that the saids warrands and precepts with the discharges and tickets of ressaits to be granted be the ressavers of the moneyes to the said William Thomesone sall be ane sufficient warrand for his exoneration, provyding the saids precepts before payment of the same be registrat be the clerk of the said Committee for the Common Burdens in the books and registers thairof."

Edinburgh, 8th March 1642.

Sederunt:—Chancellor; General; Argyl; Morton; Cassills; Lauderdail; Southesk; Advocate; Treasurer Depute; Wauchtoun; Cavers.

Nomination by his Majesty of commanders of the troops proceeding to Ireland.

"The quhilk day the letter underwritten, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being read and considerit be the saids Lords, they ordane the same to be insert and registrat in the books of Privie Counsell, and continowis the answering thairof till the nixt meiting. Of the quhilk letter the tenor followis:—CHARLES R.—Right trustie and weilbeloved cousin and counseller, right trustie and weilbeloved cousins and counsellers, right trustie and trustie and weilbeloved counsellers, wee greet yow weel. Having formerlie nominat our right trustie cousin and counseller Allexander, Earle of Leven, our General over our Scots forces, quhilks at this tyme are to be employed in suppressing the rebellion in Ireland, wee have now thought fit (to prevent anie delay quhilk may seeme to proceed frome us) to nominat our trustie and weilbeloved cousin and counseller, William, Earle of Louthian, our Leiutenant General over the saids forces, not doubting bot as his fidelitie and affection to our service hath procured him this trust frome us, so his worth and abilities for this charge will assurre him of our approbation heerin. Wee have lykewayes thought fit to nominat our servant, Allexander Hamilton, General of our Artellierie in Scotland, to

Acta, November 1641–October 1646. Fol. 27, b.

goe General of the Arteillerie in this expedition, whome wee conceave to be a person without all exception.

"And to give yit a further testimonie of our desyr to have suche persons employed as you have most reason to confide in, wee are pleased heirby to grant yow power (at this time onelie without prejudgeing us as a president heirafter in our power of nomination) to make choise of all suche collonells as yow sall thinke most fitt for this service, except our right trustie and weilbeloved cousin and counseller, William, Earle of Glencairne, whome wee our selfe have thought fit to nominat as a colonel, if his affaires will permitt him to accept of this charge, assureing our selfes wee can name none of greater worth, nor in whome yow have greater reason to confide. Wee bid yow hartelie fareweel. Frome our Court at Theobalds, the 2 of Marche, 1642, *stilo Scotico*."

Fol. 28, a.

Appointment of a commission anent certain complaints by James Sinclair of Scalloway, Shetland, against Ninian Neven.

"The Lords of Privie Councell nominats and appoynts, and thairwithall gives commission to the Earles of Morton, Lauderdail and Southesk, or anie tua of thame, the Earle of Morton being one, to heere and consider the complaint given in be James Sinclar of Scallouay aganis Ninian Neven, and his answers thairto, togidder with the severall greivances given or to be given be the said James Sinclar and Mr James Mouat, and to report thair opinions thairin to the Councell with the first conveniencies."

Decreta, November 1641–October 1646. P. 46.

[Sederunt as recorded above.]

Edinburgh, 8th March 1642.

Complaint by Archibald Campbell, surgeon, now in the Tolbooth of Edinburgh on a charge of manslaughter.

Complaint by Archibald Campbell, chirurgeon, as follows:—His Majesty has been pleased to grant to him a remission under his royal hand for the sudden and accidental slaughter of Mungo Watsoun, son of William Watson in Lamingtoun, rashly committed by him in September last, on condition that he satisfy the party's nearest friends and kinsmen. He has used all means to this end, and has offered satisfaction to "the said William Watsoun, his father and his mother," but they refuse to accept it and keep the complainer close prisoner in the tolbooth of Edinburgh, where he has been since September last, he being a poor boy with no means to live upon, and so like to starve for hunger. Charge having been given to the said William Watsoun and Jean Tennent, his spouse, and the pursuer compearing by John Nicoll, writer, but the defenders not compearing, the Lords, after hearing parties, command the provost and bailies of Edinburgh to put the pursuer to liberty; because Sir Duncan Campbell of Achinbreck became cautioner in person to their Lordships for the compearance of the pursuer before the Council or his Majesty's Justice on a lawful charge to answer to the said slaughter under the penalty of £1000.

P. 47.

Complaint by William Monteith of Caribber against Sir Alexander

Complaint by William Monteith of Caribber, merchant burgess of Edinburgh, as follows:—On 11th July, 1639, Sir Alexander Nisbitt of that Ilk and Philip Nisbit, his son, were put to the horn at the complainer's instance for non-payment of certain debts, and they remain

Nisbit of that Ilk and Philip Nisbit, his brother, for contempt of horning.

thereat contemptuously, possessing their houses "as strenths of warre aganis the ordinarie executioun of the lawes so as none darre adventure to putt the same in executioun aganis thame." Charge having been given to these persons and the pursuer compearing personally but not the defenders, the Lords ordain macers, heralds and pursuivants to charge the latter and all keepers of their houses of West Nisbit and Rummiltounlaw to deliver the same, and the defenders themselves to enter within the Castle of Blacknes upon the pain of treason. Decreta, November 1641–October 1646. P. 47. P. 48.

Supplication by Hew Ross of Achincloich to be relieved from a summons by Robert Monro of Obstell and Kenneth M'Kenzie of Assint.

Supplication by Hew Ros of Achincloich, as follows:—Robert Monro of Obstell and Kenneth McKenzie of Assint, accompanied by one hundred persons or thereby, came in May last to his fishing of Affrone and killed Douald Roy, miller, his servant. "To elude the stroke of justice for the same they have procured a remission frome his Majestie aganis the order of the late Parliament," and have summoned the supplicant and the greater part of his tenants for the said slaughter for the 16th instant, "intending by that meanes to lay his lands waist." When the slaughter was committed the supplicant was eight miles distant from the place, as appears from a sufficient testimonial; so that it is clear that their pursuit is malicious and for the purpose of putting him "and his poore tennents to trouble and fashrie." Charge having been given to the said Robert Monro of Obstell, who compeared personally, while the pursuer appeared by James Gibson, his procurator, the Lords, after hearing and advising, excuse the poor people, tenants and labourers of the ground from compearance of the 16th of March, provided the principal parties appear that day, and they direct the Justice to continue the diet for the compearance of the poor people till the first Wednesday of June next. P. 49.

Supplication by Robert Monro of Obstell for postponement of a trial for the slaughter of Donald Roy, miller, to which the supplicant and a number of tenants and labourers are summoned.

Supplication by Robert Monro of Obstell, for himself and in behalf of his accomplices and others mentioned in the criminal letters raised against them, as follows:—The 16th of this instant is assigned to them for their compearance before the Justice for the alleged slaughter of Donald Roy, miller, of which they are innocent; and, "whereas there is a great number of tennents and labourers of the ground who ar cited to this dyet to putt thame frome thair necessarie attendance at the ait seid time to thair undoing," they crave that the said diet be postponed. The Lords, in respect of the distance of place and season of the year, direct the Justice to continue the diet until the first Wednesday of June, taking caution for the appearance of such of the tenants as do not attend on the 16th.

Protest by James Johnston of Corheid, cautioner for William French in Moffat, to the effect that the accusers of the said James have not

William Frenche in Moffat, as principal, and James Johnestoun of Corheid, as cautioner for him, compeared this day before the Lords and produced an act of Council, dated the 5th instant, whereby the said cautioner is obliged for the appearance of the said principal this day to answer to any thing that can be laid to his charge by James Johnestoun, merchant burgess of Edinburgh, or any other person, under the penalty of £1000. And seeing the said William Frenche was present

Decreta, November 1641-October 1646. P. 49.

ready to answer and that no one appeared to lay anything to his charge, they protested that they should be exonered of the said act. The Lords admit the protestation. appeared and that they should be exonerated.

Sederunta, February 1635-November 1643. Fol. 84, b.

"The Lords recomends to the Lord General, aud General of the Artellierie to make a list of the haill officers and necessar members of the armie, and of the traine of the arteillierie." List of officers in the army to be made.

Acta, November 1641-October 1646. Fol. 28, a.

Sederunt:—Argyle; Preses; Cassillis; Glencairne; Lauderdail; Southesk; Findlater; Advocate; Justice Clerk; Treasurer Depute. Edinburgh, 10th March 1642.

"The quhllk day in presence of the Lords of Privie Councell compeired personallie William Glendoning, Provost of Kirkcudbright, and declared that, conforme to the order given for bringing to this toun the six Irishmen apprehendit at Kirkcudbright, they had brought hither these men and enterit thame in the Tolbuith of Edinburgh; with the quhilk declaratioun the Lords being weele advysit, they have allowed and allowis of the service of the provest and baillies of Kirkcudbright in apprehending and bringeing of these men hither, and ordans thame to be keeped in warde till farder order be given concerning thame, and recomends to the Comissioners of Exchecker to refound the charges of the saids provest and baillies in this service." Anent the Irishmen apprehended in Kirkcudbright. See *ante*, p. 210

Sederunt:—Chancellor; General; Argyl; Morton; Cassills; Glencairne; Lauderdail; Southesk; Finlater; Sinclar; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtoun. Edinburgh, 11th March 1642.

"The Lords of his Majesties Privie Counsell haveing tane to thair consideration his Majesties letters direct to thame anent the nomination of the general officers of the armie quhilk is to goe frome this kingdome to Ireland to suppresse the rebellion thair, they have allowed and accordinglie made choise of the Earle of Levin to be General, the Earle of Louthian to be Lieutenant General, Allexander Hamilton to be Generall
Fol. 28, b. of the Artellierie. And in respect it is thought fit thair be ten regiments in the armie and a thousand men in each regiment, and that there [are] foure regiments alreddie on foote under the charge of Major Monro, the Lord Sinclar, Colonel Home, and the Laird of Lawers, the Lords thinke fit and accordinglie appoynts the Lord General, the Marques of Argyle, the Earles of Eglinton, Glencairne, and Lindsay, to have charge of other fyve regiments, and continowis the nominatioun of the last colonel till the Leiutenent General be consulted that if he sall dispense with the same, it may [be] bestowed on suche a person as the Councell sall thinke fitt for the service. Lykeas the Lord General, the Marques of Argyl, the Earle of Glencairne, and Allexander Hamilton, being personalie present, accepted thair charges and gave thair oathes *de fideli administratione*." Appointment of officers to command in the Irish army.

Act anent the regiment of the Marquis of Argyle.

" The Lords of Privie Councell, in respect the Marques of Argyle hes acted himselfe to furnish his regiments with sufficient armes and will not seeke thame out of the publict magazen, allowis the soume of ten merks money for ilk souldiour of his regiment that sall be furnisht be him, as said is, and that the armes perteane to the Lord Marques himselfe, and declars that what peeces of ordinance or other ammunitioun the said Marques sall be warrand carie over to Ireland that the same sall be allowed of and assured to his Lordship be the publict. Acta, November 1641–October 1646. Fol. 28, b.

Edinburgh, 11th March 1642.

[Sederunt as recorded above.] Decreta, November 1641–October 1646. P. 50.

Supplication by James, Earl of Annandale, and Andrew, Lord Balvaird, heirs of provision to Mungo, Viscount Stormonth, anent the evidents of the said Viscount.

Supplication by James, Earl of Annerdaill, and Andrew, Lord Balvaird, heirs of provision and taillie respectively to Mungo, Viscount of Stormount, as follows:—The said Viscount is lately deceased, and it concerns them very nearly who are the heirs to his inheritance " to see that his charter kist where his evidents and securiteis ly be assured for our benefite and behove." They crave, therefore, that the Lords would empower John, Earl of Wemes, Robert, Lord Burlie, and Sir Michael Balfoure of Deanmilne, or any one of them, to pass to the place of Skoone or Huntingtour or wherever the said Viscount's charter chest is, and seal the said chest and the room wherein it stands, to remain there in safe custody unopened and untouched, to be forthcoming to the supplicants in accordance with law. The Lords grant what is desired.

Anent the levy of soldiers for service in Ireland.

" The Lords, haveing entered in consideration of the fittest and speediest way of the leveying of thir souldiours going to Ireland, thinke fit that agreement be made with the colonells that, upon a soume of money to be given thame, they be obleidged to levey and transport thair men betuix and a certane day to be condiscendit on." [This minute scored through.] Sederunts, February 1635–November 1643. Fol. 85, a.

Anent the same.

" And it is thought that fyve dollers is sufficient for levey and transport of each souldiour, and for these that served thir last yeere in Newcastle and will now goe to Ireland upon a testificat thairof under thair last captans or leiutenents hand upon oath, or on thair refuisal upon oath of the minister and tua elders of the parish quhair they dwelt, they sall have tua dollers more allowed thame, all a part of thair bygone arreirs." Fol. 85, b.

Regiments of Lord Sinclair and the Laird of Lawers.

" The Lords recomends to the Lord General to give orders for makeing up of the Lord Sinclar and Laird of Lawers regiments."

Anent the furnishing of victual for the army.

" The Lords recomends to the Marquis of Argyle and Southesk to deale with merchants to undertake the furnishing of victual to the armie, and to report."

Edinburgh, 17th March 1642.

Sederunt:—Chancellor; Argyl; Eglinton; Southesk; Callander; Yester; Clerk Register; Advocate; Treasurer Depute; Innes. Acta, November 1641–October 1646. Fol. 28, b.

Anent the same.

" The Lords of Secret Councell, for the better furtherance and provision

Acta, November 1641-October 1646. Fol. 28, b.

of the armie now going for Ireland, recommends to Allexander, Earle of Eglinton, to deal and travell with the merchants and others persons within the touns of Air and Irwing to furnish and bring in bear and barley and other necessarie provisions for the use of the armie."

The Earl of Eglinton accepts the office of colonel of a regiment proceeding to Ireland.

"The quhilk day Allexander, Earle of Eglinton, in obedience of a letter direct be the Lords of Privie Counsell to him, as a colonell chosin be thame of one of the regiments of the armie going for Ireland, compeired personalie before the saids Lords of Privie Councel and accepted the said office of colonell upon him, and promeist to doe his best endevors for dischargeing the trust reposed be the saids Lords in him."

Anent the oath to be taken by Sir Hew Campbell of Cesnock as Sheriff of Ayr.

"Forsameikle as the Lords of Secret Counsell, be order frome the Kings Majestie, hes made choise of Sir Hew Campbel of Cesnok to be shireff principall of the shirefdome of Air for the remainder of this present yeere till the ordinar tyme of the change of the shireffs in regard of the seeknes and inabilitie of Thomas Stuart of Gaston, late shireff of the said shirefdome, and have thairupon past and exped ane commission of the said office to the said Sir Hew under the great seal, and the Lords, being unwilling to putt the said Sir Hew to needlesse travell and expense in comeing heere to give his oath, thairfore the Lords ordans the Lord Chancellor or Earle of Eglinton to take the said Sir Hew his oath for discharge of his office of shireffship within the said shirefdome dureing the space forsaid conforme to his comission, quhilk is heirwith to be delyvered to him, and ordans the said Sir Hew with all convenient diligence to addresse himselfe to the said Lord Chancellor or Earle of Eglinton and accordinglie to give his oath in maner forsaid and thairafter to proceed and goe on in the faithfull discharge of his office, as he will answer to his Majestie and the saids Lords upon his dutie and obedience."

Fol. 29, a.

Appointment of a commission to deal with merchants for provisioning the army in Ireland.

"The Lords of Privie Counsell doth heirby give warrand and commission to the Lord Chancellor, the General, the Marques of Argyl and Earle of Southesk, or anie tua of thame, to deale with merchants for furnisheing of victual to be caried to Ireland for the use of the armie, and to condition and agree with thame thairanent and for the more speedie transport thairof, with power to thame or anie tua of thame to arreist ships or barks, giveing alwayes reasonable satisfaction to the maisters and awners thairof."

Decreta, November 1641-October 1646. P. 50.

[Sederunt as recorded above.]

Edinburgh, 17th March 1642.

Anent a difference between Alexander, Earl of Galloway, on the one part, and Patrick Hannay and John Murdoch, bailies and commissioners

P. 51.

The said day there compeared before the Lords Alexander, Earl of Galloway, and Patrick Hannay and John Murdoch, bailies and commissioners for the town of Wigtoun, and the said Earl reproduced a submission between him and the said town which was given him to be advised anent the renewing thereof. It was made between them during the time of the late Parliament. Both parties having been heard, the Lords put it to them that, since their last submission is now expired

of the town of Wigtown, on the other.

and a new nomination of arbiters conform to what was made in Parliament was not likely to be effective, seeing so many of the quorum could not conveniently meet and agree therein, they should renew the submission with power to the arbiters chosen or, in case of variance, to the oversman or either of them by themselves or with consent of three or four of the arbiters on either side to pronounce sentence therein. The Earl of Galloway declared that he was willing to renew the submission conform to the first nomination made in Parliament or to any three for each side, all agreeing together with the oversman, and could not renew the same in any other manner. The bailies of Wigtoun declared that to give their Lordships satisfaction they were willing to renew it to two persons nominated for each side, and, in case of variance, to abide by the decision of the oversman, or to renew it in any other form their Lordships might desire; but they protested "that in respect the last submissioun expired by the Earle of Galloway his going out of the toun and not attendance the tyme thereof, and that he doeth now refuse to renew the same as is desired be the Counsell, that therefore his Lordship may be haldin the onelie cause why the submissioun tooke no effect; and the Earle of Galloway protested in the contrare in respect of his sickenes the time of this submissioun and of his present declaratioun abonewritten." Both parties asked instruments. Decreta, November 1641-October 1642. P. 51.

Continuance of protection to John Gordon of Haddo.

"The protectioun formerly granted to Johne Gordoun of Haddo for his attendance upon the Justice in the criminal pursuit intended aganis him for the slaughter of umquhile Mr James Stalker continewed till the 26 of Marche instant."

Anent a letter of the Lord Chancellor and the Marquis of Argyle to the Commissioners in London.

"The Lords allowis of the letter written be the Lord Chancellor and Marquis of Argyle to the Commissioners on Wednesday last (in absence of the Counsell) and approves thair proceedings thairin." Sederunts, February 1636-November 1643. Fol. 86, a.

Edinburgh, 22nd March 1642.

Sederunt:—Chancellor; Argyl; Morton; Eglinton; Southesk; Clerk Register; Advocate; Treasurer Depute; Innes. Acta, November 1641-October 1646. Fol. 29, a.

Prohibition of the importation of foreign coins under a specified weight.

"Forsameikle as the Lords of Privie Counsell, haveing tane notice of the prejudice the leiges susteanes throw the interruption of the course of rix dollers, ryalls and cardecues to the great undoing of comerce among the subjects, for remeid quhairof in tyme comeing and that his Majesties leiges be not abused with forrayne coyne at pryces farre above the trew weight and worth thairof, the Lords of Secret Counsell, according to the acts formerlie made heiranent, ordans rix dollers to have course among his Majesties subjects, being fyftene drop of weight at 54 shillings, being 14 drop weight at 53 shillings 4d., and cardecues being 5 drop weight at 19 shillings, and discharges all course and passage of the saids speces being under and within the weights particularlie abovespecifeit, and als discharges all merchants and others his Majesties subjects to bring in to this countrey anie forrayne coyne of the speces forsaids under and within the weights respective abovespecifeit

Acts, November 1641-October 1643. Fol. 29, a.

under the paine of confiscation of thair moveables, the one halfe to belong to the King's Majestie and the other halfe to the partie informer; and ordans maissers, heraulds and pursevants to pas to the mercat croce of Edinburgh and other places neidful, and be opin proclamatioun to make publicatioun heirof, quhairthrow nane pretend ignorance of the same."

Fol. 29, b.

Contract for furnishing 10,000 bolls of meal for the army proceeding to Ireland.

"The quhilk day John, Earle of Loudon, Chancellor, produced and exhibit before the Lords of Privie Councell the contract underwritten made and agried to be his lordship and the Marques of Argyle, be warrand of the saids Lords, for furnisheing of ten thousand bolls of meal to be caried to Ireland for the use of the armie, quhilk being red and considerit be the saids Lords, they have allowed and allowis thairof, and ordans the same to be insert and registrat in the books of Privie Councell, quhairof the tenor followis:—At Edinburgh, the 19 day of Marche, 1642 yeeres, it is agreed betuix John, Earle of Loudon, Lord Chancellor of this kingdome, and Archibald, Marques of Argyll, haveing warrand frome the Counsel of Scotland, and in thair name, on the ane part, and James Stuart, merchand burges of Edinburgh, and Mr Robert Ferquhar, merchand burges of Aberdene, on the other part, in maner following, viz.:—the saids James and Mr Robert have sauld, dispond and undertane to furnish for the use of the Scots armie quhilk is to goe to Ireland the nomber of ten thousand bolls ait meal, good and sufficient victuall, to be transported frome Scotland to Ireland with all convenient diligence, wind and weather serveing, betuix the fyftene day of Apryle nixtocome and the last day of July nixt thairafter at farthest in this instant yeere of God, 1642, and binds and obliges thame, thair aires, executors and assignayes, conjunctlie and severallie, to delyver or caus be delyvered the said meal in Ireland, at the ports of Knokfergus, Culrayne or Derrie in the option of the saids noblemen, as they salbe pleased to give direction before the ships louse frome Scotland to whiche of the saids ports to direct thair course, and the said meal to be delyvered thair to the saids noblemen in name forsaid, or to anie person or persons in thair names who sall have warrand thair to ressave the same, and that be measureing of three bolls of meale of ilk ships loadning with the prick furlot of Leith, one bol thairof to be taken towarde the uppermost part of the ship, the second boll toward the midle part thairof and the thrid boll toward the boddome of the ship, quhilks three bolls being weyit, the haill victual of that ships loadning to be weyed, ressaved and delyvered according to the weight thairof, and so furthe with everie ships loadning; quhilk victual above dispond, the saids noblemen abovenamd, in name forsaid, bind and obleidge thame, thair aires and executors, conjunctlie and severallie, to caus ressave with all diligence in Ireland at the saids ports immediatlie after the arryveing of the ships thair with the same or anie portion thairof, and that out of the ships at furthest within 15 dayes nixt after the arryveing of the ships, and sall have girnells and magazens reddie and clair for ressaving thairof, and sall immediatlie after the receipt thairof pay the fraughts thair to the skippers of ilk ship or barke as the merchants sall

happin to agree with thame for transporting thairof, and as the saids merchands or anie of thame or thair factors sall direct, quhilks fraughts sall be allowed in part of payment of the said meale to be payed to the merchands as is underwritten. Lykeas the saids noblemen bind and oblidge thame and thair forsaids in name forsaid, as said is, to bear the hazard of piracie and shipwrack of the saids meale and ships transporting the same, that in caise (quhilk God forbid) anie ship or barke loadnit with anie portion of the said meale happen to perish or losse, or be surprysed or taken with pyrats and enemies or driven ashore, whatever loss, skaith or prejudice the merchants and skippers in ship or goods sall happen thairby to susteane, it not being in thair awne default, the saids noblemen in name forsaid obleidge thame and thair forsaids to pay the same, and sall assist to furnish pilots for convoying the saids ship and goods to the saids ports in Ireland, upon the saids merchands and skippers thair reasonable expenses, and sall purchesse warrands to presse ships for the said service, if neid sall requyre, for payment of reasonable fraughts. For the quhilk meale above dispond the saids noblemen in name forsaid bind and oblidge thame and thair forsaids, as said is, to pay to the saids James Stuart and Mr Robert Ferquhar and thair forsaids the soume of ten punds Scots money for ilk boll of the same, and that in Edinburgh, the one halfe thairof at Whytsonday nixtocome and the other halfe before the tent day of August nixt thairafter at fardest, and sooner if money can be had, togidder with annualrent for the saids pryces of the bolls, yeerlie and termlie, so long the same sall happen to be unpayed after the termes of payment above sett doun. And what more meale the merchands sall be able to furnish and delyver thair in Ireland in maner forsaid within the space of tyme abovespecifeit, the saids noblemen, in name forsaid, obleidges thame to caus accept the samen thair and pay for the same, as is above mentioned. And both parties obleidge thame and thair forsaids *hinc inde* to others to fulfill and faithfullie performe in everie poynt, as is afore sett doun, under the paine of ten thousand punds Scots money to be payed be the partie failyear to the partie observer or willing to observe and performe thair part of the premises, and that by and attour the fulfilling and performeing thairof. And for the mair suretie both parties are content and consents to the registrating heirof in the books of Councell and Session to have the strenth of ane decreit of the Lords thairof interpont thairto, that letters of poynding and horning upon ane simple charge of six dayes may passe thairupon, wherfore they constittute, etc., and ilk ane of thame, conjunctlie and severallie, thair lawful procurators, *promitten.* etc. In witnes quhairof thir presents, written be the said Mr Robert, both parties have subscribit the samen, day, yeere and place abovewritten, before thir witness, John Campbel, one of the Commisar deputs, and Charles Dalrimple, servitor to the Chancellor. *Subscribitur*, Loudon, Can^rius^; A. M. Argyl, Robert Ferq^r^, J. Stuar, Jo. Campbel, witnes, C. Dalrumple, witnes."

Acts, November 1641–October 1646. Fol. 29, b.

Fol. 30, a.

Acts, November 1641–October 1646. Fol. 30, a.

"The Lords of Secret Counsell recomends and thairwithall gives warrand and commission to the moderator and bretheren of the presbiterie of Edinburgh to ressave and consider the severall petitions given in to thame be John Fairlie of Stuarton, Mr David Row, minister in Ireland, James Maxual and Thomas Knox, merchants in Strebane, Thomas McCulloch, sometyme of Barholme, Marioun Simervail, relict of umquhile Fol. 30, b. Andro Hamilton, portioner of Straban in Ireland, and Harie, Eufame and Mercers, orphans, and accordinglie as they sall find the truthe of thair informations and the necessitie and qualitie of thair persons to deserve, to modifie some proportion of the contributions collected for releiffe of his Majesties subjects that are fled out of Ireland, to be payed to thame as they sall thinke fitting; with power to thame for that effect to direct thair precepts to the collectors and others in whose hands the contributions of that presbiterie are for answering and present payment makeing to the persons abovewritten of the severall soumes of mony to be modified to thame, as said is; quhilks precepts the Lords ordans to be tymouslie accepted, obeyed and answered be the collectors and others in whose hands the contributions forsaids are, quhairanent thir presents, with the precepts of the presbiterie and reseipt of the partie, sall be thair sufficient warrand."

Recommendation to the Presbytery of Edinburgh to assign to John Fairlie of Stewarton and others part of the contributions raised for the relief of persons escaping from Ireland to Scotland.

"The Lords of Secret Counsell, in respect that the Marques of Argyl is now so necessarlie imployed in his Majesties service concerning the expedition to Ireland that he cannot attend the meiting of the commissioners of justitiarie at Perthe, the sixt day of Apryle nixtocome, dispenses with his lordships absence frome the said meiting, and declars him free of all paine or danger he may incurre thairthrow."

Dispensation to the Marquis of Argyle from appearing at the next meeting of the Justiciary Court at Perth.

"The Lords of Secreit Counsell, in respect that Sir Mungo Campbel of Lawers, yonger, is employed as a colonell in the expedition to Ireland, and is presentlie going about the levey of his regiment so as he cannot attend the meiting of the commissioners of justiciarie at Perthe, the sixt of Apryle nixt, dispenses with his absence frome that meiting the same day, and declares him free of all paine he may incurre thairthrow."

Similar dispensation to Mungo Campbell of Lawers.

Decreta, November 1641-October 1646. P. 52.

[Sederunt as recorded above.]

Edinburgh, 22nd March 1642.

Supplication by Sir James Stewart of Carswell, knight baronet, and Sir Alexander Stewart of Fisgill, stewart deputes of the stewartry of Gairleis, as follows:—In a stewartry court held by them on 18th February last Andrew McTagart in Some of Aroch was convicted of "the stealing of a sheepe with the muttoun, wherewith he wes apprehended reid hand, and of the stealing of a wraith yow and a lamb out of the lands of Aroch; and of the stealing, ressett and concealing of ane stone of gray wooll, and of the stealing of twa lambs out of the lands of Lembay and of commoun pyckrie; and he confest the stealing of some timber doores and begged his life at the saids judges. And he, being a young man who may be serviceable at the warres, they continued pronouncing doome

Supplication by Sir James Stewart of Carswell and Sir Alexander Stewart of Fisgill, steward deputes of Garlies, anent the sentence to be pronounced on Andrew M'Taggart, a confirmed thief.

aganis him," and ask their Lordships' direction. The Lords ordain them to pronounce sentence of banishment against him and take him acted to leave the kingdom within a month and never return under the pain of death. They also ordain the said deputes to see that the goods stolen by the said Andrew McTagart or the values of them are restored according to his ability." Decreta, November 1641-October 1646. P. 52.

Edinburgh, 22nd March 1642.

Posts to be established between Edinburgh and Portpatrick.

"The Lords of Privie Counsell, for the good of his Majesties service and the better keeping of intelligence betuix this and Ireland, and for convoy of pacquets, thinks fit that post-stages and post-horses be provydit betuix Edinburgh and Portpatrick and that the stages be established at Blaickburne, Hamilton, Newmylne, Air, Girvin, Ballintrae, and Portpatrick, the post maisters to have 3 horse in reddines and to have 40 lib. sterline yeerlie and halfe a yeeres fee advanced." [This minute scored through]. Sederunts, February 1635-November 1643. Fol. 86, a.

Sheriffs in the North to attend the meeting of the Commission for repressing disorders in the North.

"Missives written and direct to the shireffs of Dumbartan, Stirline, Perthe, Forfar, and Aberdene, to advertise the commissioners within the bounds appoynted for redressing the dissorders in the North to attend the first meiting of the commissioners at Perthe the sixt of Apryle."

Provost and bailies of Edinburgh to attend the Council on Thursday next.

"The Lords ordans the p[rovost] and b[ailies] of Edinburgh to be warned to attend the Counsell on Thursday nixt." Fol. 86, b.

Allowance to the Marquis of Argyle for the expense of his regiment.

"The Lords of Secreit Counsell, in respect the Marques of Argile is to furnish his regiment with armes and will not seeke thame out of the publict magazene, allowes the soume of ten merkes Scotish money for ilke souldiour of his regiment that sall be furnished be him as said is." [This minute scored through.]

Edinburgh, 24th March 1642.

Sederunt:—Chancellor; General; Argyle; Morton; Eglinton; Southesk; Clerk Register; Advocate; Treasurer Depute; Innes; Provost of Edinburgh. Acta, November 1641-October 1646. Fol. 30, b.

Arrangement for the pay of soldiers proceeding to Ireland.

"The Lords of Secret Counsell, having entered in consideration of the fittest and speediest way of the leveying of the souldiours going to Ireland, thinke fit that agreement be made with the colonells that upon a soume of money to be given to thame they be obleidgit to levey and transport thair souldiours betuix and a certane day to be condiscendit on; and thairwithall ordans that seven dollars be allowed for everie souldiour who served in the last expedition to Newcastle and is now content to goe in this armie to Ireland, upon a testificat thairof under the captane or lieutenents hand upon oath whome they served, or, in caise of thair refuisall, upon oath of the minister and tua of the elders of the parish quhair they duelt; quhilk testificat is to be kept be the commissar, payer of the moneyes, for cleiring how muche the publict burden is thairby empaired; and ordans fyve dollars to be allowed for each souldiour who hath not served before, as said is."

Acts, November 1641–October 1646. Fol. 31, a.

"The Lords of Secret Counsell, for the more speedie furtherance of the present expedition to Ireland, ordans fyve thousand rix dollars to be advanced to everie one of the colonelles now appoynted, but prejudice of what is farder allowed be the abovewritten act for leveying of thair souldiours, the colonells first acting thameselfes, if the treattie close not and if orders come not for leveying of thir souldiours, they sall redelyver the same upon fyftene dayes warning, and that precepts be direct to William Thomesone for that effect." Five thousand rix-dollars to be advanced to each colonel for the levying of soldiers.

"The Lords of Secrect Counsell recommends to the Lord Generall to give warrand to George Mure to goe and attend at Carrictfergus the delyverie of suche meale as sall be delyvered thair be James Stuart and Mr Robert Ferquhar, and to give warrand for furnisheing of ammunition and all sort of necessarie armes for thir regiments that are to be leveyed, and that they be transported to the severall places to be appoynted be his Excellence for delyverie thairof upon the publict charges." George Mure and the supply of the army in Ireland.

"The Lords of Privie Counsell, for the good of his Majesties service and the better keeping of intelligence betuix Ireland and this, and dispatche of pacquets, thinks fit and ordans that post stages be provydit and established at Blaikburne, Hamilton, Newmilne, Air, Girvane, Ballintrae and Portpatrick, and that fiftie punds sterline be allowed as a fee for everie postmaister yeerlie, and that halfe a yeeres fee be advanced to thame for furnisheing of horses, they first findeing caution for keeping three sufficient and able post horses for the service forsaid; and recommends to the Lord Chancellor and Treasurer Deput to deale with Sir William Seaton or anie other gentlemen in the bounds abonewritten for setling and establisheing the saids post stages in the places abonewritten or at anie other places, as sall be most convenient, and make speediest dispatch for the service." Arrangement for the establishment of postal connection between Edinburgh and Portpatrick.

"The Lords of Secret Counsell, in respect of Sir Robert Campbel of Glenurqhie his employment for furthering the expedition to Ireland, dispensis be thir presents with his appearance and being at Perthe upon the sixt of Apryl nixt with the rest of the commissioners who are to conveene there that day for accepting the commission and setting doun orders for prosecution of that service in repressing the disorders of the Hielands, and declars him free of all paine, penaltie and danger he may incurre thairthrow *simpliciter* be thir presents." Exoneration to Sir Robert Campbell of Glenurchy from attendance at the commission for the suppression of disorder in the North.

"The Lords of Privie Counsell ordans and commands the provost and bailleis of Edinburgh to take special notice of the pryces of wyne, ail, bread, flesh, wyld foul, butter, candle, cheese, shoone, boots, chamber mailles, and all other comodities that are sauld within thair toun, and of the exorbitancie thairof, and to thinke upon the best wayes of remedieing the same in tyme comeing, and to report the same to the Counsell the nixt Counsel day in Apryl; and in the meanetyme that they use all meanes for rectifieing the pryces, as they will be answerable on the contrare; and the provest and baillies of Edinburgh, being personallie present, promeist to use thair best endevors heiranent." Magistrates of Edinburgh ordered to take measures for reducing the excessive prices of provisions in the burgh.

Answer to a supplication by Sir Mungo Campbell of Lawers anent the levying of his regiment for service in Ireland.

"The Lords of Privie Counsell haveing red, hard, and considerit the supplication given in to thame be Sir Mungo Campbel, fear of Lawers, one of the colonels of the armie going to Ireland, craveing that the Lords would be pleased not to alter the capitulatioun made with him anent the leveying of his regiment, and that, since his souldiours wer in reddines, he might have pay allowed for thame; and the Lords, being weele advised thairwith, and with the act made anent the leveying of the remnant regiments to be listed in this expedition, they declare they will not doe anie thing in prejudice of the last orders concerning thir leveyes, quhilks are of the date of thir presents, bot after the transport of the supplicants regiment they will take consideratioun of the prejudice he sall susteane be the last capitulatioun made with him and the last orders abovewritten." Acta, November 1641–October 1646. Fol. 31, b.

Act anent the procuring of vessels for the transport of meal to Ireland.

"Forsameikle as there is a contract and agreement past betuix the Lord Chancellor and the Marques of Argyl, and Mr Robert Ferquhar, baillie of Aberdein, and James Stuart, merchant burges of Edinburgh, anent the furnisheing and transporting to Ireland of ten thousand bolls of aitmeal for the use of the armie going thair, and the Lords of Privie Counsell being careful to provyde for everie thing that may promove this important undertakeing, speciallie in shipping for transport of the said victual, thairfore the saids Lords recommends to all magistrats of burrowis and seaports within this kingdome, quhair thair are anie ships or barks, quhairof the said Mr Robert Ferquhar or James Stuart or anie haveing thair power or warrand sall desyre to make use for transport of the said victual to Ireland, that they, upon report made to thame of the refusall of the awners and skippers of the saids ships or barks to the use forsaid, call thame before thame, and move and urge thame to performe the service forsaid upon reasonabill and just conditions, and incaise of thair delay or refuisall ordans and commands the magistrats to arreast the saids ships and barks, take the sailles frome the rees, and urge and compell the maisters and awners thairof to undertake the transport of the said victual upon the pryces and conditions to be modified and sett doune at the sight of the saids magistrats within thair awne bounds respective, as they will answer to his Majestie and the saids Lords upon thair alledgiance and obedience."

Edinburgh, 25th March 1642.

Sederunt:—Chanceller; General; Argyl; Morton; Eglinton; Southesk; Clerk Register; Advocate; Treasurer Depute; Innes.

Warrant to the Marquis of Argyle to make use of certain cannons lying in the Clyde.

"The Lords of Privie Counsell gives warrand and commission to Archibald, Marques of Argyle, to make choise of and accordinglie intromett with foure of the best of thes canon lying at the water of Clyde besyde Newwark, and quhilks were in the English ship qukhilks wes cassin away there, and to make use of the same as he sall thinke fitting for the good

Acta, November 1641–October 1646. Fol. 32, a.

of the publict, becaus he hes acted himselfe to make the same furthcommand and for redelyverie thairof as he salbe requyred."

"The Lords of Privie Counsell, for the better and more tymous supplie of suche poore people fleeing frome Ireland as are forced to have thair recourse to the collectors in Edinburgh nominat be the saids Lords for ressaveing the contributiouns in maner ordered be thame, gives and grants comision and warrand be thir presents to the ordinarie ministers of Edinburgh, Mr James Schairp, minister at Leith, Thomas Charters, Robert Fleeming, Laurence Henderson, Archibald Sydserfe, Hew Hamilton, Patrick Thomeson, John Meyn, and Samuel Lockhart, merchant burgesses of Edinburgh, or anie fyve of thame, with anie one of the ministers of Edinburgh and anie tua of his Majesties Councell being in the toun, to ressave and consider the petitions of the saids poore people, and as they find the necessitie of thair condition and truthe of thair informations to require, to allow unto thame some proportionable part of the saids contributions and give furthe thair precepts for that effect, quhilks the saids Lords ordains and commands the collectors reddilie to answer and obey. And, becaus the saids Lords are informed that a great part of the saids collections are keeped up and not delyvered to the saids collectors conforme to the order of the Counsell, thairfore the saids Lords ordans and commands all and sundrie persons in whose hands the saids collections or anie part thairof is to bring in and delyver the same to the said collectors in maner and to the effect conteaned in the Act of Counsell, as they will be answerable upon thair dutie and obedience."

Appointment of a commission to distribute part of the sum raised for the relief of refugees from Ireland.

Sederunts, February 1635–November 1643. Fol. 87, b.

"A letter frome the Commissioners with some papers and resolutions of the Parliament of England and Captane Buckheavens commission. The Lords, in regard they find the treatie as yet not concluded, ordains a letter to be writtin to the Commissioners, which wes accordinglie done."

Letter from the Scottish Commissioners in London.

Acta, November 1641–October 1646. Fol. 32, a.

Sederunt:—Chancellor; General; Argyle; Morton; Eglinton; Kingorne; Southesk; Clerk Register; Advocate; Treasurer Depute; Innes; Dundas.

Edinburgh, 28th March 1642.

"Forsameikle as the Lords of Privie Counsell, for supplie of the necessitous estate of the countrey and great scarstie of his Majesties proper coyne within the same to the interruption of comerce and smal exchange among the subjects for want of small silver money, did be thair act of the date the 21 of July, 1636, ordain the bulyeon to be wrought and coyned in half merke peeces, fourtie pennie and tuentie pennie peeces, quhilks wes accordinglie done; and the saids Lords, findeing the countrey subject to the same prejudice and scairstie now as of before be reason of the carieing of the said xx and xl pennie peeces furthe of the kingdome, thairfore, and for remedieing thairof in tyme comeing, they have thought expedient to discharge, lykeas be thir presents they doe discharge the general, maister cunyear and all others officers of the cunyiehous of all farder coyneing or printing of anie half merk xl or xx pennie peeces, and

Warrant for the coining of two and three shilling pieces.

ordans the irons made for coyning thairof to be presentlie brokin and destroyed in presence of the Thesaurer Deput aud officers of the cunyiehous. And, for the better furnisheing of the countrey with small silver money, ordans that in place of the saids half merk, xl and xx pennie peeces there be coynd tua shilling and three shilling peeces of weight and fynnesse conforme to the ordinances made of before thairanent, with the impressions and circumscriptions following, to witt, the saids tua shilling peeces haveing on the one syde the Kings Majesties portrait conteand in the old matrice or stamp with two II in the right side thairof, togidder with this circumscription CAR. D.G. SCOT. ANG. FR. & HIB. R., and on the other syde the lyon in ane escucheon, the lyon within a double tressure threefloured and above the escucheon ane imperiall crowne with the double border and this circumscription IVST. THRONVM. FIRMAT.; and the three shilling peeces haveing on the one syde the Kings portrait with the circumscription forsaid, with the head of a thrissell on the right syde thairof, and on the other side his Majesties armes with this circumscription *Salus Reip. suprema lex*; and that the saids tua and three shilling peeces be of weight and fynness proportionablie conforme to the contracts formerlie made with the maisters of his Majesties mint for strykeing of his Majesties coyne; and ordans and commands the general, maister and others officers of the cunyiehous to proceed and attend the working of the saids tua shilling and three shilling peeces, everie one of thame in thair awne charges and station, and that Charles Dickeson, sinker of his Majesties irons, doe make, grave and sinke irons agreeable to the impressions and circumscriptions of the silver peces abovespecifeit with all diligence, quhairanent the extract of this act sall be to him and all others whome it concernes a sufficient warrand.

Acta, November 1641–October 1646. Fol. 32, a.

Fol. 32, b.

Act anent the expenses in connection with the levies for service in Ireland.

The Lords of Privie Councell, considering thair present engadgment to England for leveying and transporting upon the charges of this kingdome the souldiours that are now to be sent out of this kingdome for assisting his Majestie and the kingdome of England to suppresse the rebellion in Ireland and of the present necessitie that moneyes be had for that effect and of the difficultie to gett present moneyes, and als in respect that a great part of these moneyes will be employed for payment of the bygone arrears due to these that served in the last expedition and will relieve the countrey of so muche burden, thairfore the saids Lords recommends to the Commissioners for the Common Burdens to exped ane act giveing order to William Thomeson to deburse and give out all suche moneyes as he sall be commandit be the Lords of Privie Councel for the levey and transport forsaid, the samen not exceeding in haill the soume of fourteene thousand punds sterline by and attour the expensis of the 2500 men alreddie sent to Ireland, declareing that the warrands to be direct to the said William be the saids Lords of Privie Councell with the discharges of the parties ressavers of the moneyes, sall be to him sufficient warrand and exoneration, provyding the saids warrands before payment thairof be registrat be the clerke of the Commission for

Acta, November 1641–October 1646. Fol. 32, b.

the Common Burdens in the registers thairof. And siclyke the Lords recommends to the Commissioners forsaids to give warrand and command to the General of the Artellierie and all others haveing enteresse to ansuer and give out all suche armes, tua part musket and thrid part picks, and all other sort of ammunition, as they sall ressave orders for frome the Lord Generall for the furnishing of the saids souldiours, the warrands for delyverie of the armes and ammunition togidder with the ressavers bands for being comptable for the same, according to ane act of the saids Commissioners made thairanent, being first registrat in the saids Commissioners thair registers as said is."

Fol. 33, a.

"The quhilk day in presence of the Lords of Privie Counsell compeired personallie Alexander, Earle of Leven, Lord General, and produced and exhibit a patent under the great seale of England, bearing date at Westminster the 16 of Marche instant, quhairby power is given to the Marques of Argyle to conduct and lead a regiment of souldiours to Ireland aganis the rebells thair, as is more fullie conteand in the said patent; quhilk being red, hard and considerit be the saids Lords, they have allowed thairof and accordinglie did delyver the same to the Marques of Argyle, who, being lykewayes personallie present, with all dutiful respect accepted the same, and gave his oath for the faithfull discharge of the trust committed to him thairby." Commission to the Marquis of Argyle to lead a regiment to Ireland.

"The quhilk day the Lords of Privie Counsell thought fit that the regiment quhilk is not yit disposed of be under the commandment and charge of the Earle of Louthian, leiutenent general, whome the Lords hes made choise of to be colonell of the same." Charge of a remaining regiment entrusted to the Earl of Lothian.

Sederunt:—Chancellor; General; Morton; Glencairne; Lauderdail; Southesk; Callander; Angus; Yester; Sinclar; Burley; Clerk Register; Advocate; Treasurer Depute; Innes; Wauchton; Provost of Edinburgh. Edinburgh, 13th April 1642.

"The quhilk day the letter underwritten, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being red and considerit be the saids Lords, they ordane the same to be imparted to the commissioners appoyntd for trying the incendiaries and plotters as being most enterest thairin, to the effect they may returne thair awne ansuer to his Majestie, of the quhilk letter the tenor followeth:—CHARLES R.—Right trustie, etc., wee greet yow weal. Haveing with consent of our estates in Parliament granted a commission unto certane noblemen and others for trying the incendiaries and plotters, quhairin a limited power wes given thame onelie to doe thair diligence in discussing the relevancie of the summonds and in ressaveing all legall probation thairupon and not to pronunce anie definitive or convictive sentence aganis thame, the same being whollie remitted unto us, bot to proceed with diligence and make report concerning the relevancie and how farre they sall find the same proven or not, and that they finish the process and tryell Letter from his Majesty anent the trial of the Incendiaries.

before the first day of Marche last, whiche being expyred and no report made, as said is, wee doe heirby requyre yow to take some present course, that a report may be made and the extracts of the processe of thair examinations and depositions be sent us with all convenient speed that thairafter wee may take suche order, either in passing our censure on thame as delinquents, or in clearing thame, as wee in our royall wisdome sall judge equitable and necessarie; whiche seriouslie recomending to your cares, wee bid yow hartelie fareweel. Frome our Court at Yorke, the 29 of Marche, 1642." Acta, November 1641-October 1646. Fol. 33, a.

Letter from his Majesty urging the Council to bestow the despatch of levies to Ireland.

"The quhilk day the Lord Chancellor produced and exhibit before the Counsell the tua letters aftermentioned direct frome his Majestie to his Lordship, quhilk being red and considerit be the saids Lords, they have ordand and ordans the same to be insert and registrat in the books of Privie Counsell, and ane answer to be returnd to his Majestie, of the quhilk letters [and] ansuer the tenor followeth:—CHARLES R.—Right trustie and weilbeloved cousin and counseller, we greet yow weele. Haveing oftentymes heirtofore be our severall letters signified to our Councell our earnest desyre to have these forces whiche were on foot in Scotland dispatched over for releiffe of our distrest subjects in Ireland, and haveing on our part omitted nothing whiche wee conceaved might contributt to that end, since thair is not anie thing wee can be more sensible of then the sufferings of our good subjects in that kingdome, and to give still a farther testimonie thairof, wee have now againe thought fit to requyre [yow] to move our Councell in our name that all possible diligence may be used in lifting and transporting the remainder of these forces condiscendit upon for that expedition; and wee are confident, when they consider the heavie sufferings of our subjects thair and how muche the setling of that kingdome concerneth the peace and happiness of our other dominions, bot they will als cheirfullie concurre in performeing as they were reddie to promise thair assistance to so good a worke. Heerin wee expect your care and best endevors and ane accompt frome tyme to tyme of thair proceedings heerin, and in what condition the leveyes are. Wee bid you hartelie fareweel. Frome our Court at Yorke, 8 Aprile, 1642. CHARLES R.—Right trustie and right weilbeloved cousin and counsellor, wee greet yow weele. No man can give a greater testimonie of our desyre to establish a perfyt union and brotherlie affection betuix our tuo kingdomes of Scotland and England then your selfe, who hath beene a witnes of our chearfull and reddie concurrence to all suche particulars as wee conceaved could conduce thairunto, quhilk wee sall still studie to preserve, as conceaveing nothing more necessarie for thair good nor our awne honor and happines. Yit wee have beene informed that Sir Phillip Stapleton, a member of our House of Comons, hath frome our Scots Commissioners informed that House of some designe that had appeared aganis the union betuix these our tuo kingdomes in some motions at our Councel of Scotland, which had occasiond the calling of the Estats, and thairupon a committee wes Fol. 33, b.

Letter from his Majesty anent a statement by Sir Philip Stapleton to the House of Commons to the effect that there was a design in the Council against the union of the two kingdoms.

Acta, November 1641–October 1646. Fol. 33, b.

chosen to draw a declaration for preserveing the brotherlie affection and neir union betuix the tuo nations to be sent to our great councell of Scotland, appoynted to be held the 13 day of this moneth.

None can judge better of the truthe of this informatioun then your selfe who hath constantlie attendit our Councell, for till now wee neither hard of anie suche motion nor anie suche meiting of our Estates. Wee doubt not bot yow will easilie find how necessar it is that the truthe of this be knawn whiche possiblie might otherwayes in some kynd reflect on us. And, that yow may the better knaw how desirous wee are to remove suche distractions as may enterteanie anie misunderstanding betuix us and our people, wee have commandit our Secretarie to send yow a double of suche messages as of late hath past betuix us and our Parliament here, quhairby yow will find how reallie wee desyre the setling of these distempers, and our constant resolution to leave no faire meanes unattempted whiche may setle peace and justice in our dominions with the preservation of our honor and royal autoritie, whiche wee are confident our subjects of Scotland will ever remember how strictlie they are tyed by thair national oath and covenant to mainteane, and upon all occasions will be reddie to expresse. And wee expect your special care in giveing thame a right impression of our intentions at this tyme, whiche, God willing, sall never be other then may bring happines to thame with honor to us. Wee bid yow fareweele. Frome our Court at Yorke, the 11th of Aprile, 1642."

Fol. 34, a.

Replies of the Council to his Majesty's three letters noted above.

"Most sacred Soverane. Upon perusall of your royall letters this day exhibit unto us for a report to be made to your Majestie of the process of the incendiaries and plotters, wee have, for your Majesties satisfaction (the bussines it selfe being outwith our commission), written for these to whome your Majestie and the Parliament entrusted that mater, and who hes the charge of these processe to be heere the 20 day of this moneth, that, your Majesties pleasure being signified to thame, they may give thair awne answer thairanent. Your Majesties sense of the sufferings of your good subjects in Ireland and earnest desyr to have all meanes used for thair releiffe being now againe (as oftymes before be your royall letters) represented to us be the Lord Chancellor doth encourage us to continow our former care in haisting these expeditions that are to goe frome this for a supplie for that kingdome, and quhairof hithertills wee have beene so careful that Monro and his regiments (after long stay be contrarie winds) landit at Carrictfergus the thrid of this moneth. The Laird of Lawers and his regiment were at Air expecting the first faire wind to carie thame over the 7 of this moneth. Moneyes are advanced for leveying of the remnant so that nothing rests for sending over the full supplie promised frome this, bot the conclusion of the treattie, which is earnestlie wished and sall be hartilie furthered be us. The Lord Chancellor hath acquainted us with your Majesteis real and constant resolution of useing all meanes for setling peace and justice within all your dominions with preservation

of your honor and royall auctorite, then whiche nothing can be more deare to us. And wee have lykewayes seene your Majesties letter expressing that your Majestie is informed that Sir Phillip Stapleton hath acquainted the Parliament thair with some motions in your Majesties Councell heere of a designe aganis the union of the tuo kingdomes, which had occasioned the calling of the Estates. This information hath not a little amased us, findeing our humble endeavors in your Majesties service thairby misconstrued without ground or warrand, for there were never anie suche motions among us. Bot our deportment and care ever wes, is and sall be suche as sall tend most to the advancement of your Majesties service, the setling of a right understanding betuix your Majestie and your people, and for preserveing the brotherlie affection and neer union betuix the tuo kingdomes, quhilk sall ever be the studie of your Majesties most faithfull and humble servants."

Acta, November 1641–October 1646. Fol. 34, a.

Edinburgh, 13th April 1642.

[Sederunt as recorded above, omitting the Advocate.]

Decreta, November 1641–October 1646. P. 53.

Supplication by James, Earl of Annandale, and Andrew, Lord Balvaird, anent the evidents of Viscount Stormont.

Supplication by James, Earl of Annerdaill, and Andrew, Lord Balvaird, as follows:—By virtue of their Lordships' warrant the Earl of Wemes, the Lord Burghlie and Sir Michael Balfoure of Deanmilne have lately sealed the charter chest of Lord Stormont for their behalf as heirs of provision and taillie respectively to him. It is necessary that the writs in the said chest be inventoried so that the supplicants may have the evidents of the lands to which they are provided and obtain themselves infeft before Whitsunday next. They therefore crave warrant from their Lordships to the Sheriff of Perth and his clerk in terms which after follow. The Lords acknowledging the desire to be reasonable grant warrant as craved, and withal "ordains and commands the Shireff of Perth and his clerk to pas to the place of Skoone and to call for the keyes of the said chartour kist frome the relict of the said Vicount of Stormount or anie others, havers thairof, and to breake up the seales and to make inventar of the haill writts being in the kist in presence of the saids three commissioners who sealed the same, if they be there, or in thair absence, in presence of some neutrall freinds to be named be the parteis having interesse or otherwise joyntlie in presence of the saids commissioners and the saids freinds or so manie of thame as sall be present, and after inventar to deliver to either of the parteis thair awne evidents such as nane of the parteis sall oppose aganis. And, if anie opposition sall be made for deliverie to anie partie of anie such writts quhilks ar necessarie for expeding of thair services or anie other necessarie use, to deliver the same upon thair tickett obliging thame to deliver the writts back agane to be putt in the said chartour kist." This is also to be a warrant for the Vicountess and other havers of the keys to deliver them.

Charge to the Sheriff of Perth to open and examine the charter chest of Viscount Stormont in Scone.

Decreta, November 1641-October 1646. P. 54.

"Forsamekle as Johne Moreis in Cambus, Robert, David and Patrick Moreises, his three sonnes, ar now prissouners in the tolbuith of Stirline for the slaughter of umquhill James Burne in Cambus, who have desired thair tryell to be before his Majesteis Justice in the tolbuith of Edinburgh," the Lords think good to grant their desire, and therefore ordain the provost and bailies of Stirline to bring these four persons to Edinburgh upon their own charges and enter them within the tolbooth there within three days after being charged to do so on pain of horning, and the provost and bailies of Edinburgh are to receive and keep these persons within their tolbooth until their trial.

John Morris in Cambus and his three sons, charged with the slaughter of James Burn in Cambus, to be brought to Edinburgh for trial.

Sederunta, February 1635-November 1643. Fol. 88, b.

"A letter frome the Commissioners bearing that Sir Archibald Jonstoun wes on his voyage hither with the Irish treattie, quhairupon a meiting of the Counsell appoynted to be on Tuesday nixt."

The Irish Treaty.

"A letter frome the mayor and aldermen of Londonderrie desyring supplie of some armes, quhairupon the Lords hes recomendit to the General to give orders for sending over of 40 barrells of powlder, 200 muskets and als manie picks and swords, and that they be sent with James Nisbet, and these armes he hes sent to be of the reddiest that are to be sent, and that barks be imployed to carie thame over upon the charges of the supplicants."

Letter from the mayor and aldermen of Londonderry desiring a supply of arms.

"The Lords discharges the commissioners appoynted for distributting the collections that are made for releiffe of these that are fled out of Ireland to give out anie of the saids moneyes except to these that sall produce a testimoniall subscribit be the collectors in the west that they have not gottin anie supplee thair bot ar recomendit to gett it heere, and that intimation be made heirof; and ordains Georg Sutie and all others in whose hands the saids collections are to bring and delyver the same to the collectors appoynted be act of Counsel."

Anent the money raised for the relief of refugees from Ireland.

Acta, November 1641-October 1646. Fol. 34, a.

Sederunt:—Chancellor; General; Mar; Morton; Glencairne; Southesk; Elphinstoun; Sinclar; Burley; Clerk Register; Advocate; Treasurer Depute; Innes; Wauchtoun; Dundas; Provost of Edinburgh.

Edinburgh, 14th April 1642.

Fol. 34, b.

"Forsameikle as there is a commission past under the great seal be order frome the Parliament for setling the peace and quiet of the Hielands, and the commissioners haveing latelie mett at Perthe and setled and established the course and order of thair proceedings in that service and given furthe thair precepts for uptakeing of dittayes aganis delinquents, whiche they caused direct to the shireffs of the shyres whome it concerned to be executte be thame conforme to the order observed in the lyke caises, nevertheles the Lords of Privie Counsell are informed that some of the shireffs, aganis the duetie of thair place, have neglected and slighted to executt the saids precepts direct to thame to the prejudice of this important service; thairfore ordans letters to be direct chargeing all and sundrie shireffs, stuarts, baillies of regalities and thair

Charge to the sheriffs of the northern shires to put in execution the precepts of the justice courts.

deputs, to ressave all suche precepts as sall be direct to thame be the saids commissioners, and to caus duelie and orderlie executte the same conforme to the tenor thairof, under the paine to be called, persued and punished as hinderers of his Majesties service and disappoynters of this so worthie a course for setling the peace of the countrey." Acta, November 1641–October 1646. Fol. 34, b.

Edinburgh, 14th April 1642.

[Sederunt as recorded above except the Advocate.] Decreta, November 1641–October 1646.

Complaint by Sir Alexander Gibson, Clerk-Register, and Mr Hew Fork, Keeper of the Register of Sasines, of Renfrew, etc., against Mr John Herbertson, notary in Glasgow, for usurping office.

Complaint by Sir Alexander Gibson, younger of Durie, Clerk Register, and Mr Hew Fork, keeper of the Register of Sasines, Renunciations and Reversions within the sheriffdom of Renfrew and regality of Paisley and within the burgh and barony and regality of Glasgow under the said Lord Register, as follows:—The said office, being vacant in the hands and at the gift and disposition of the said Clerk Register through the death of the late keeper, Mr Thomas Huchesone, he, on learning the qualification of the said Hew Fork, granted the post to him by a signed gift, by virtue whereof the registers which were in the possession of the said Mr Thomas Huchesone and all other registers and writs of the said office belong to the said Mr Hew. Yet Mr John Harbertsone, notary in Glasgow, not only withholds the registers and writs belonging to that place from the said Mr Hew, but also presumptuously exercises the said office at his own hand, without any warrant from the said Lord Register. Charge having been given to the said Mr John Harbertsone, P. 55. and the Lord Register compearing personally, Mr Hew Fork by Robert Fork, his father, and the defender personally, the last named produced a gift of the said office granted to him by Sir John Hay, late Clerk Register, dated 8th September last. The Lords, after hearing parties and advising, understanding that the said Sir John denuded himself of the office of Clerk Register by dimission to his Majesty before the granting of the said gift, declare the same void, and ordain the defender to desist in all time coming from the exercise of the said office by virtue of that gift and to deliver the registers and writs of the said office which are in his custody to the said Mr Hew Fork to be kept and used by him conforme to his gift foresaid. P. 54.

Protest by Walter M'Aulay of Ardincaple anent his caution for John Gairdner, tenant to the Duke of Lennox.

This day in presence of the Lords compeared personally John Gairdner, tenant to the Duke of Lennox, as principal, and Walter M°Aulay of Ardincaple, his cautioner, and protested that the latter should be free of the act whereby he is obliged to produce the said John before their Lordships in the action by him against the provost and bailies of Dumbartane, seeing that he had produced him this day. The Lords admit the protestation, and the said John Gairdner enacted himself under a penalty of 500 merks to compear before them on the first Tuesday of June next, to which day the Lords continue the case, and warn the said John, and John Sempill, provost of Dumbartane, in name of the magistrates thereof, *apud acta;* meanwhile suspending the P. 56.

Decreta, November 1641–October 1646. P. 56.

execution of the decreet by the provost and bailies of Dumbartane against the said John Gairdner for forestalling of victual.

Complaint by Walter Dick in Griblach of Ardmanwell against John Knox of Ranfurlie for assault and theft.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Walter Dick in Griblach of Ardmanwell, as follows:—Though the carrying of hagbuts and pistolets is straitly prohibited by law, John Knox of Ramferlie, who for the past six years, and especially during the time of the late troubles "mightilie opprest the said Walter Dick by taking of his goods," has begun again "to revive his oppressions, notwithstanding of the happie peace concluded be his Majestie and the Parliament." On November last "he cam to the compleanners lands of Griblach accompanied with twa of his servants boddin with swords and pistolls and without anie lawfull warrant tooke frome him six ky. And upon the fourth of Marche last he came boddin, as said is, to the compleanners dwelling hous, brake up his barn doores, tooke seven or eight bolls seid aitts and caried the same away, [and] strake, hurt and wounded the compleanner and his servants in diverse parts of their bodeis to the hazard of thair lyffes. Lykeas he daylie beirs and weirs hacquebutts and pistolets and goes therewith in all parts of the countrie." Charge having been given to the said John Knox as

P. 57.

defender, also to Andrew Knox, his son, John Martine, John Forrester and Robert Lokhart, his servants, and to Duncan Buchanan as witnesses, there compeared personally the pursuer and defender and Andrew Knox, who having been heard, the Lords continue the cause till the first Council day of May next, and ordain the defender to exhibit his servants as witnesses that day. This he undertook to do and also to exhibit the said Duncan Buchanan, with this proviso that if the pursuer fail to prove the complaint he will pay the charges of the defender and witnesses.

Caution by John Knox of Ranfurlie for the indemnity of Walter Dick.

This day John Knox of Ramferlie and Andrew Knox, his son, enact themselves under a penalty of 1000 merks for the indemnity of Walter Dick in Griblach of Ardmanwell and his wife, bairns, men, tenants and servants.

Caution by Walter Dick for the indemnity of John Knox.

Similarly the said Walter Dick enacts himself under a penalty of 500 merks for the indemnity of the said John and Andrew Knox and their wives, bairns, men, tenants and servants.

Acta, November 1641–October 1646. Fol. 34, b.

Edinburgh, 15th April 1642.

Sederunt:—Chancellor; General; Morton; Glencairne; Southesk; Sinclar; Burley; Clerk Register; Advocate; Treasurer Depute; Innes; Provost of Edinburgh.

Proclamation specifying the weight of dollars and other coins which are to pass current.

"Forsameikle as the Lords of Privie Councell, haveing tane to thair consideration the prejudice the leiges susteanes throw ane unwarranted interruption of the course of dollers, ryals and cardecuis to the great undoing of comerce among the subjects, for remeid quhairof in tyme comeing and that the leiges be not abused with forrayne coyne at pryces farre above the trew worth and weight thairof, the Lords of Secret Councel, according to the acts formerlie made thairanent, ordans rex

dollers to have course among his Majesties subjects for 54 sh., the same being alwayes 15 dropt weight with 8 graines of remeid; and croce dollers to passe for 53sh 4d, the same being 14 drop tua part drop weight, haveing 8 graines of remeid; and the ryals to passe for 53sh 4d, the same being 14 drop weight, haveing 4 graines of remeid; and cardecuis for 19sh, being 5 drop weight with 2 graines of remeid; and the halfes and quarters of the saids speces proportionablie; and ordans the saids speces of money, being of the weights abovewritten, to be ressaved be all his Majesties subjects in payment of debts or anie other maner of exchange, and discharges all course and passage of the saids speces under and within the weights particularlie above specifeit; and siclyke discharges all merchants and others his Majesties subjects to bring in to this countrey anie forrayne coyne of the speces forsaids under and within the saids weights and that without anie remeid, under the paine of confiscation of the moveables of the imbringers, the one halfe to the King and the other halfe to the partie informer; and ordans provests and baillies of borrowis, shireffs, justices of peace, and all other magistrats and ministers of the law to burgh and land to sie this act observed within thair bounds, as they will be answerable; and ordans publicatioun, etc." Acta, November 1641–October 1646. Fol. 34, b.

Edinburgh, 15th April 1642.

Complaint by Mr Alexander Jaffray, Provost of Aberdeen, and Thomas Johnston of Craig, his chamberlain, against the Laird of Caskieben and his lady, for violently holding possession of the place of Caskieben which the said Laird had disponed to the said Mr Alexander.

Complaint by Mr Alexander Jaffrey of Kingswalls, provost of Aberdene, and Thomas Johnestoun of Craig, his chamberlain of Caskiben, as follows:—The Laird of Caskiben disponed to the said Mr Alexander the lands of Caskiben and Muretoun with the manor place and other lands mentioned in the contract, and the said Mr Alexander with consent of the said Laird established the latter's brother, the said Thomas, as his factor, in the house of Caskiben where he remained peaceably for several years until that in June 1637, the said Laird and Elizabeth Forbes, his lady, with a great number of people armed with forbidden weapons, came to the house of Caskiben (the said Thomas being absent on business and there being none in the house but a nurse with a child of a year old) and thrust the said nurse to the door, so affrighting her that she lost her milk. They also struck and wounded another woman who was in the house "with hands, feet and stalffes, dragged her throw the closse, threatned to kill her if she delivered not the keyes of the hous or told where they lay, thereafter brake up all the doores and medled with the said Thomas his haill writs, compts, plenishing and what ellis wes in the hous, patt aff his haill goods and cattell being pastouring about the hous, and patt on thair awne goods, and keeped this place as ane hous of warre with gwnnes, poulder and lead, holding furth thair muskette and swearing to kill anie that durst come neere thame; spending the said Thomas his aill, victuall, beir and other provision in the hous, and oppressing and sorning the poore tennents about in barbarous maner. And the said ladie being for this oppression called to thair answer in the moneth of July thereafter, she wes denunced rebell for not compeirance." But she suspended the letters of horning on 24th February Decreta, November 1641–October 1646. P. 120.[1]

[1 Out of its proper place in the Register.]

Decreta, November 1641-October 1646. P. 121.

last and their Lordships ordained the complainer to cite witnesses. The pursuers compearing by Mr Robert Farquhar, their procurator, and the defender [*sic*] being likewise present, the Lords, after hearing parties and the witnesses, find "that the said Ladie Caskieben violentlie entered and keeped the hous" as libelled, thereby committing a great wrong, and they therefore ordain that the 50 dollars which she received from the said Mr Robert Ferquhar in name of the pursuers for her entertainment from 25 February till 16th April last shall be allowed as a part of her and her husband's debt. The Lords also modify the following sums to the fifteen witnesses produced, viz.:—£10 to Mr Samuel Walker, minister; twenty merks to each horseman and five merks to each footman. This Mr Robert Ferquhar is to pay, and it is to be reckoned also as a part of the defender's debt, whereunto the said Laird, who was also present, consented. Further, the Lords grant warrant to David, Earl of Southesk, and Sir Alexander Gibsone of Durie, Clerk Register, to consider what right the lady has to the rent she claims and report to the Council.

Acta, November 1641-October 1646. Fol. 35, a.

Sederunt:—Chancellor; General; Argyl; Mar; Morton; Glencairne; Lauderdail; Southesk; Dalhoushie; Callender; Angus; Elphinston; Sinclar; Advocate; Treasurer Depute; Justice Clerk; Wauchton; Dundas; Cavers; Provost of Edinburgh. Edinburgh 19th April 1642.

Letter from his Majesty stating his intention of proceeding person to Ireland.

"The quhilk day the Lord Chancellor produced and exhibit before the Lords of Privie Counsell the letter underwritten direct frome his Majestie to thame, togidder with a printed booke conteaning his Majesties resolution to goe in person to Ireland, quhilk being red and considerit be the saids Lords, they have ordand and ordans the said letter to be insert and registrat in the books of Privie Councell, quhairof the tenor followeth:—CHARLES R.—Right trustie, etc. Haveing hithertill left nothing undone whiche wee thought could give testimonie of our earnest desyres to suppresse the divelish rebellion in Ireland, nor expresse our real feeling of the sufferings of our poore protestant subjectis in that kingdome, yit findeing the miseries of these and insolencie of those still to encrease, wee are now resolved to goe and hazard our awne royall person in suppressing the one and assisting the other; and have thairfore commandit our Chanceller to acquaint yow with our last message to our Parliament heere to that purpose, whiche at more lenth conteaneth the reason that obleidgeth us to this journey. And now that yow see the hazard wee expose our awne royal person to for so just, so pressing a caus, wee are confident yow will leave nothing undone incumbent to yow quhilk may facilitat and hasten the leveying and transporting the remainder of these forces intendit for that expedition, whiche seriouslie recomending to your cares, we bid yow fareweele. Frome our Court at Yorke, the 12th of Apryle, 1642."

Declaration from the Parliament of England to the Council explaining that his Majesty's absenting himself from Parliament is not to be attributed to any action of theirs, but to the advice of evil counsel.

"The quhilk day Sir Archibald Jonston of Warieston produced and exhibit before the Lords of Privie Councell a declaration of the Parliament of England, quhilk the parliament had desired the Commissioners to send to the Councell heere, quhilk declaration the said Sir Archibald had shawin to his Majestie and also did exhibit his Majesties pleasure concerning the same exprest in ane of the instructions given be his Majestie to him, quhilk declaration, togidder with his Majesties opinion thairof, the Lords ordans to be registrat in the books of Privie Councell, and ane answer to be made thairunto. Followeth the tenor of the declaration forsaid:—The Lords and Commons in Parliament, understanding that the Commissioners frome Scotland doe send doune one of thair nomber to the Council of that kingdome to give thame ane accompt of the state of the treatie concerning the supplies of Ireland, whiche they hope will be speedilie concludit, and being desirous to take all occasions to expresse thair care and zeale to mainteane the good correspondence betueene the nations (which both Parliaments have obleidged thameselfes be solemne vow and protestation by all good wayes and meanes to preserve); and haveing caus eneugh to doubt that att this tyme ill affected persons to the good and peace of both kingdomes may take occasion frome his Majesties absenting himselfe frome the Parliament to misconstrue and misreport thair actions, and calling to mynd the wisdome of the Parliament of Scotland to prevent all misapprehensions in caises of the lyke difficultie and importance by giveing a tymelie and right understanding of thair proceedings to the kingdome of England, invited be thair example, and, to the end that all the testimonies of mutuall affection betuix the tua nations may be reciprocal, they hold it fitt to impart to thame the truthe and cleirnes of thair proceedings, that they have given no caus nor occasion to his Majestie to withdraw himselfe at this tyme frome his Parliament, bot it hath haillie and sollie proceedit frome the evill councells and suggestions of ill affected persons, who have also stirred up his Majestie by declarations and messages to lay severall great and heavie imputatiouns upon the Parliament, and to disaffect him to thair proceedings, quhairby they are inforced, for the cleiring of thameselfes and thair actions frome suche aspersions, to sett furth a declaratioun unto this kingdome, whiche, when they have perfected, they intend to send also to the Council of Scotland, that it may [be] communicated to that kingdome, to give thame more particular satisfaction concerning thair intents and actions; assureing thame in the meane tyme that thair aimes and ends are conjoynd with thairs to mainteane and advance the honor and greatnes of his Majestie, the peace and prosperitie of his kingdoms, and most of all the truthe and sinceritie of the protestant religion within all his dominions. 8 *die Aprilis*, 1642. *Sic subscribitur*, Jo. Broune, Cleric. Parliament. Followis his Majesties instruction to Sir Archibald Jonston concerning the declaration abovewritten."

Acta, November 1641–October 1646. Fol. 35, a.

Fol. 35, b.

Acta, November 1641–October 1646. Fol. 35, b.

"Wee cannot bot take particular notice of the declaration yow shewed us frome our Parliament of England to our Councell of Scotland, in whiche, tho' wee are verie farre frome takeing exception at that quhilk seemes to be the maine intent of the declaration (viz., the good correspondencie betuix our tuo nations) there being none who sall further more and be glader of the same then our selves, yit wee conceave that the laying of ane aspersion on our actions (tho' cloudit under the name of evill counsellers) is a verie evill way to so good ane end. Thairfore wee command yow (least this confident aseveration may prejudice us with our Scots Councel) to requyre thame in our name diligentlie and seriouslie to peruse all these answers whiche wee have made to our Parliament of England, being verie confident that they will find wee have had too muche caus to withdraw our selfes frome the southerne parts of this kingdome; as lykewayes that the severall messages which our Parliament hath sent us hath necessitat us to make these declarations and messages quhairwith they are so muche offendit, concerning which wee will verie cleirlie affirme that they containe nothing for mater of fact whiche is not punctualie true. As for mater of inferences wee are most confident to make it als cleirlie appear that wee have not gone about to deceave our people with fallacies, equivocations or ill groundit arguments, and thairfore we sall not be unwilling in anie one or more particulars to give our Councell of Scotland satisfaction, if they sall doubt of anie thing we sall say thairin. Wherefore wee are confident that they, haveing maturelie and consideratlie weyed all things, will returne suche answer to our Parliament of Englands declaration that will make all the world sie that they rightlie understand our actions as proceeding from our real intentions of preserveing our people in the true religion, lawis and liberties, for whiche end wee thinke our selfes bund in conscience to uphold our just and lawful prerogative, for the maintenance of whiche wee doubt not of the concurrence of our Councel of Scotland upon anie faire and fitting occasion that sall be offered, thair national oath besyds thair natural obedience obleidgeing thame thairto."

Letter from his Majesty stating that the conduct of the English Parliament justified him in absenting himself from its meetings.

Fol. 36, a.

"The quhilk day the Lord Chancellor produced and exhibit before the saids Lords the missive letter underwritten direct frome the Kings Majestie unto thame, quhairof the tenor followis:—CHARLES R.—Right trustie etc., wee greet yow weele. Wee were pleased out of our special knawledge of the worth and abilities of the Lord Montgomerie, and not without manie singular recommendations, to make choice and nominat him to be Coronel to these thousand horse that are designed to compleat the bodie of your aide in Ireland, and have for that effect recommendit to our Scots Commissioners of the treatie his particular in the general, that tho' wee may out of our right of all our three crownes make choise of all the officers, yit that wee challenge the election of this coronel most speciallie as King of Scotland, that regiment being bot ane eik and complement to the bodie of the Scots foote, and to be leveyed, as wee conceave the most part Scots are, at the least promiscuouslie and

Letter from his Majesty ordering the appointment of Lord Montgomery as colonel of an Irish regiment, and claiming for himself the right, as against the English Parliament, of nominating all officers.

indifferentlie out of either nation. Notwithstanding quhairof the English Commissionaries and Parliament stand to have the election belong to thame and not to us and our Parliament of Scotland. Bot wee, considering both the point of right and the concernment of that our ancient and native kingdome in the poynt of honor, lykewayes have not onelie not yeeldit our selfe to thair demand, bot thought fit also to requyre and recommend to your care the furder prosecuting of this right be new and effectuall instructions to our Commissionaries that so both the honor of the nation may be preserved, and he, the Lord Montgomerie, ressave no wound through or under it. Wherin not doubting of your care, wee bid yow fareweele. Given at our Court in our citie of York, this 15th of Apryle, 1642. Quhilk letter being red and considerit be the saids Lords, and they weele advysit thairwith, they ordane that in the instructions to be sent to the Commissioners it be recommended to thame to deale that the Lord Montgomerie be preferred to be Colonel of that regiment of horse." Acta, November 1641–October 1644. Fol. 36, a.

Warrant for the proceeding of levies to Ireland.

The Lords of Privie Counsell thinks fit and thairwithall allowis the Lord General to give order to suche companies as are alreddie leveyed for the Irish expedition for thair marcheing and going over to Ireland."

[Sederunt as recorded above.]

Decreta November 1641–October 1646. P. 57. P. 58.

Edinburgh, 19th April 1642.

Charge to the magistrates of Montrose to send to Edinburgh Robert Walker in Charletoun and others, accused of the slaughter of the spouse of the said Robert, that they may be tried by the Justice at Edinburgh.

"Forsamekle as there is great presumptions aganis Robert Walker in Charletoun, David Graham there, and Margaret Graham, his sister, that they ar guiltie of the cruell murther of umquhill Isobell Drynnie, spous to the said Robert," order was given by his Majesty and the late Parliament to the magistrates of Montrose to apprehend them and report their trial to the Lords of Privy Council; which having been done they still remain obstinate, notwithstanding the great presumptions of their guilt; it is therefore thought expedient for clearing hereof to bring them to the tolbooth of Edinburgh for trial before his Majesty's Justice. The Lords accordingly direct the provost and bailies of Montrose to transport the said persons to Dundie and deliver them within twenty four hours after being charged to the bailies of Dundie, who are to receive them and transport them to Couper and within twenty four hours deliver them to the magistrates of Couper, who are thereupon to convey them within the like space to Bruntilland, of which the magistrates are to receive them and transport them to Leith, delivering them to the bailies of Leith, who are to enter them within the tolbooth of Edinburgh within six hours after receiving them.

Supplication by Thomas Mure, merchant burgess of Edinburgh, anent certain goods which he has shipped from Amsterdam.

Supplication by Thomas Mure, merchant burgess of Edinburgh, as follows:—"He, being in Amsterdame, did inship in Robert Mitchells ship in Borrowstounesse certane commoditeis, such as sugar, pepper, figges, rasines, ploume dameis, ryce, ginger, amounds, capres, Bomoyll olives, cannell, nutmugs, maices, clowes, with sindrie other small commoditeis under the name of spycerie, and with certane cramerie wair

Decreta, November 1641–October 1646. P. 58.

made of yrne, all which goods doe properlie belong to himselfe without partnership with anie man, marked conforme to his custome bills with his owne mark, the which commoditeis he did direct to George Gordoun, merchant burgess of Edinburgh, with a letter to receave the same, and to make mercat of thame for his accompt. And now these his goods with the haill goods in the ship ar arrested and keeped up be warrant frome the Committee of the Common Burdens to the supplicants great prejudice." He craves delivery of his goods. The Lords grant warrant to the skipper of the said ship and to all others in whose hands these goods are to deliver them to the supplicant, he first finding caution in the books of the Commissioners for the Common Burdens to make the same forthcoming to the arresters according to law.

P. 59.

Edinburgh, 19th April 1642, *ante meridiem.*

Sederunts, February 1635–November 1643. Fol. 89, a.

"A warrand produced under his Majesteis hand for delyverie of some armes at Berwick, quhairupon a letter was ordained to be written and some sent to bring home these armes."

Delivery of arms in Berwick.

Fol. 89, b.

Sederunt:—Chancellor; General; Argyle; Mar; Morton; Eglinton; Cassills; Glencarne; Lauderdail; Southesk; Dalhoushie; Callander; Angus; Elphinstoun; Sinclar; Yester; Burley; Advocate; Treasurer Depute; Justice Clerk; Wauchtoun; Dundas; Cavers; Provost of Edinburgh.

Edinburgh 19th April 1642, *post meridiem.*

"Sir Archibald Jonstoun produced the hail results of the Irish treattie and severall propcsitions and ansuers given in thairanent."

The Irish Treaty.

"The Lords appoynts the Lord General, Cassills, Glencairne, Lauderdail, Southesk, and Callander, with Sir Archibald Jonston and the General of the Arteillerie, to revise and consider the proceeding of the Commissioners in the Irish treattie, and to report thair opinion what they thinke fitting to [be] addit thereto."

The same.

"The Lords thinkis fitt and thairwithall allowis the General to give orders to suche companies as are alreddie leveyed for the Irish supplie for thair marcheing and going over to Ireland."

Levies to proceed to Ireland.

Acta, November 1641–October 1646. Fol. 36, a.

Sederunt:—Chancellor; General; Argyl; Mar; Morton; Eglinton; Cassills; Glencarn; Lauderdail; Southesk; Weimes; Dalhoushie; Callander; Angus; Yester; Elphinston; Sinclar; Burley; Balcarres; Advocate; Treasurer Depute; Justice Clerk; Wauchtoun; Cavers; Dundas.

Edinburgh, 20th April 1642.

ol. 36, b.

"The Lords of Privie Councell thinke fit that the answer to be given be thame to his Majesties severall letters and messages and to the declaration of the Parliament of England be caried and assisted be the Lord Chancellor whome the Lords hes made choise of to represent the same to his Majestie. And the Lords recommends to the Lord Chancellor, the Marques of Argyle, the Earles of Morton, Lauderdail and Southesk to meit and consider the saids letters, messages and declaration, and to

Anent the communications from his Majesty and the Parliament of England.

draw up certain heids and grounds quhairupon ane answer may be formed thairunto, and to report thair opinion to the Councell at thair nixt meiting." Acta, November 1641–October 1646. Fol. 36, b.

The trial of the Incendiaries and Plotters.

"The Lords of Secreit Counsell recommends to the Lord Chancellor to conveene the commissioners appoynted for tryell of the incendiaries and plotters the morne at eight houres, and to intimat unto thame his Majesties pleasure and letters direct craveing ane report of these processe, to the effect that the saids commissioners may returne to his Majestie thair awne answer.

Edinburgh, 20th April 1642.

[Sederunt as recorded above.]

Decreta, November 1641–October 1646. P. 59.

Complaint by Agnes Brown, sometime in the Sills, against Hew Weir of Cloburn and others for assault and theft.

Complaint by Angus Broun, sometime in the Sills, and now in Lanerk, as follows:—On March last, Hew Weir of Cloburne, James Walker in the Sills and Patrick Walker came to her dwelling house there, and breaking up the doors "tooke furth a seckfull of lint with other plenishing, together with a kow and a calfe, and thrust her frome her hous. And, when as the poore woman did pitifullie compleane of this wrong, they promeist to give her back her kow within some few dayes thereafter. Whereupon she having addrest herselfe to the said Hew his dwelling hous upon Saturday the day of Marche last to seeke the said kow, he for this onelie caus cruellie strake her with his hands and feit and trampled her on the ground. Thereafter he caused Archibald P. 60. Weir, his servant, bind her hands behind her back as a theefe, and then also cruellie strake her with his hands and feit, and caused his servants drive her thus bound before thame a great way aff, so as upon the morne being Sunday, when she wes in the kirk of Pettinane, she lay a long time dead throw the violence of the strokes. And now latelie, upon Saturday last, the secund of Aprile instant, she being going by the said Hew his hous, he sent out the said Archibald Weir and some servants and brought her into his hous and caused bind her with cords and putt her in a muck hous where he keeped her bound fra Saturday at night till Sunday at night." The pursuer and the said Hew Weir, as defender, both compearing, the latter produced a rolment of court of the barony of Pettinain and Sills held by John Cuninghame, the defender's bailie, whereby the pursuer was convicted at the instance of James Walker in Sills for taking away some peats from him "and for being ane ill nighbour and dissobedient to the orders of their parish kirk, for the quhilk the said baillie did banish her the parish and confiscat her goods," as the said rolment, dated 16th March last, bears. He confessed that thereupon he had given order for the taking of her cow and also for binding her as alleged. The Lords, after advising, find that the defender has acted P. 61. unwarrantably in taking the pursuer's cow, "binding and captivating her in manner libelled upon a sentence givin in his owne court for so light a caus," and ordain him to pay £40 to the pursuer in satisfaction of her cow and other goods taken from her and the wrong done to her

Decreta, November 1641-October 1646. P. 61.

and that before he go out of town, otherwise to pay the double; and also to pay half a dollar to every witness produced in the case for their expenses.

Sederunta, January 1635-November 1643. Fol. 89, b.

"The quhilk day Leiutenent Colonel exhibit John Black, his serjant, and protested that he might be free of his cautioun for exhibition of him to the Counsell this day, quhilk protestation the Lords admitted." The Lieutenant-Colonel and John Black, his servant.

"The Lords recomends to the Earle of Eglington, Cassills, Callender and the Lord Advocat, togither with the Lords Humbie and Warestoun and General of the Arteillerie, to draw the commission to be given to the Lord General." The Lord General's commission.

Acta, November 1641-October 1646. Fol. 36, b.

Sederunt:—Chancellor; General; Argyl; Mar; Morton; Eglinton; Cassills; Glencairne; Lauderdail; Southesk; Elphinston; Sinclar; Yester; Burley; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas; Cavers; Provost of Edinburgh. Edinburgh, 21st April 1642.

"The quhilk day the Committee abovewritten produced a paper conteaning certane heids and articles quhairupon to frame ane answer to the messages and declaration abovespecifeit, quhilk being red in presence of the Lords, they have allowed thairof, and recomends to the Lord Chanceller to sie ane answer framed according thairunto, and to represent the same to the Councell the morne." Anent the communications from his Majesty and the Parliament of England.

"Forsameikle as the Kings Majestie hath beene pleased for good considerations to grant to his trustie and weilbeloved counsin, James, Earle of Irwin, a levey of a standing regiment of guard of foure thousand and fyve hundreth men to be imployed in the service of his Majesties deare brother, the French King, thairfore the Lords of Privie Counsell, according to a warrant and direction in writt, signed be the Kings Majestie and this day presented unto thame, gives and grants commission and warrand be thir presents to the said Earle of Irvin to levey and take within this kingdome the said nomber of men for the service forsaid; with power to him for this effect to caus bett drumes, display cullors, and to doe and performe all and everie thing requisit and necessarie for uplifting and transporting the said nomber of men in als ample and ful forme and with suche liberties and priviledges as heirtofore hath beene granted to anie person quhatsomever in the lyke caise; chairgeing heirby all judges, officers, and magistrats and others, his Majesties subjects to burgh and land, to concurre and assist the said Earle of Irwin and his officers in leveying and transporting the said foure thousand and fyve hundreth men, and that they nor nane of thame make anie trouble nor impediment heirin, as they will answer on the contrare at thair perrell; provyding the said Earle give satisfaction to everie one of the said nomber to be uplifted be him, as hath beene accustomed in the lyke caises. Followis the tenor of his Majesties letter direct to the Councel for warrand of the act abonewritten:— Commission to the Earl of Irvine from his Majesty for the levy of 4500 men for service under the King of France.

Fol. 37, a.

CHARLES R.—Right trustie and right weilbeloved cousin and counceller, right trustie and weilbeloved cousins and counsellers, right trustie and trustie and weilbeloved councellers, wee great you weele. Whereas wee have beene pleased for good considerations to grant unto our trustie and weilbeloved James, Lord Kintyre, a levy of a standing regiment of foure thousand fyve hundreth men to be imployed in the service of our deare brother, the French King, it is thairfore our pleasure that (after the expyreing of the tyme limitted be us and our Parliament, quhairin no leveyes are to be granted) you give unto him als large and beneficiall a commission and warrant both for the speedie uplifting and transporting of the said foure thousand and fyve hundreth men for the service aforsaid, with power for this effect to toucke drumes and with all other liberties and priviledges siclyke and in als ample maner as hath beene heirtofore granted to anie in the lyke kynde; provydeing alwayes he give satisfaction to everie one of that nomber so to be uplifted be him as hath beene accustomed in the lyke caises, and for your so doing (quhilk wee will accept as acceptable service) these sall be unto yow sufficient warrand. We bid yow fareweil. Frome our court at Theobalds, the second of Marche, 1642, *stilo Scotico*." Acta, November 1641–October 1646. Fol. 37, a.

Anent the money to be expended on the levies proceeding to Ireland.

"The Lords recomends the Lord General, the Earle of Lauderdail and Southesk, Lord Burlie and Treasurer Deput, or anie thrie of thame, to conveene and consider the alternative anent the ressaveing of the moneyes dew to the armie going to Ireland and to heere Sir James Lockhart and William Thomsone thairanent, and to report thair judgment of the fittest way." Sederunts, February 1635–November 1643. Fol. 90, a.

Marquis of Argyle to transport 1000 bolls of meal for his regiment in Ireland.

"The Lords allowis the Marques of Argyle to carie over to Ireland ane thousand bolls of meale for furnisheing of his regiment."

Lord Kintyre to levy 4500 men for service in France.

"A letter frome his Majestie for a commission to the Lord Kintyre to levey 4500 men to be caried to France, and a comission past accordinglie, bot the extracting thairof continowed till the last of May or sooner if the General sall thinke the same may be without prejudice to the Irish leveyes."

Edinburgh, 22nd April 1642.

Sederunt:—Chancellor; General; Argyl; Mar; Morton; Eglinton; Cassillss; Glencairne; Lauderdail; Southesk; Sinclair; Burley; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton. Acta, November 1641–October 1646. Fol. 37, a.

The Lord Chancellor charged to convey the answer of the Council to the declarations of his Majesty and the English Parliament.

"The quhilk day the Lord Chancellor produced ane answer drawin and formed to the messages and declarations forsaids, quhilks being red in presence of the Lords they allowed thairof, and ordand the same to be represented to his Majestie be the Lord Chancellor whome the saids Lords has made choise of to give his Majestie a more full information of thair mynds and desyrs, and of all other publict affaires of this kingdome, as also to repaire to the Commissioners for the same end, and with the Councells advyce concerning the Irish treattie. Bot if his Majestie sall

Acta, November 1641–October 1646. Fol. 37, b.

thinke his lordships stay or returne hither more conduceable for his service, in that caise the Lords recommends to the Lord Chancellor to send the same to the Commissioners that the treattie may be closed according to the instructions given to his lordship to be sent heirwith. Followis the tenor of the Councels answer to the Kings Majestie and Parliament of England."

"At Edinburgh the 22 day of April, 1642."

Letter of Council to his Majesty and the English Parliament in which they urge both parties to reconciliation, and suggest to his Majesty the unwisdom of his expressed intention of proceeding to Ireland.

"The Lords of his Majesties Privie Counsell of Scotland in a frequent meiting haveing, according to [the] importance of maters of so great weight and heich concernement, matturelie and at lenthe considerit the severall declarations, messages, answers and instructions sent to thame frome his Majestie, as also what hath beene represented to thame in the declaration sent frome the Parliament of England, doe find thameselfes bund in duetie to acknawledge that they esteeme it no small happines to ressave true and full information frome the fountaines and not to be left to the muddie and wandring streames of privat misreports, quhilks are reddie to mislead al suche as are apt to follow thame frome the right understanding of the truthe into the dangerous by pathes of jealousies and errors, the preventing quhairof made this kingdome in the tyme of the late troubles so frequentlie to declare thameselfes and thair intentions, both to the Kings Majestie and to the kingdome of England."

"They doe also ressave and embrace with all humble respects and thankfulnes frome his Majestie the large and lyvelie expression of his royall and religious resolution and care of mainteaning and preserveing the true religion, liberties and lawis of his kingdomes, togidder with a right correspondencie betuix thame, it being the true foundation of greatnes and glorie to himself and his posteritie and of peace and happines to his people, for whiche this whole kingdome, being straitlie bund be thair common alledgiance, naturall obedience and national oath, never to be forgotten, will ever be most willing and reddie to spend thair lyves, fortunes and what is dearest to thame. They doe in lyke maner, with reciprocall and brotherlie affection, acknawledge the large testimonie of the care and zeale of the Parliament of England to keepe a right understanding betuix the tuo nations, whiche both Parliaments have obleidged thameselfes be solemne vow and protestation be all good wayes and meanes to preserve, against whiche no sinister information or misreport sall ever make this kingdome to fall into suche misconstruction as may be a violation of thair vow and protestation made in Parliament. Bot, in the midst of this thair joy and gladnes arryseing upon the professions and protestations both of King and Parliament, they cannot bot professe the unfained greif and great feares which they have conceaved upon the misunderstanding and so long lasting distractions betuix his Majestie and his Parliament, quhilks, unlesse they be speedilie removed, can bring furth no other fruit then the rejoyceing and triumph of the common enemies of our religion and peace, and suche a world of evills to his Majestie and his dominions as they are loath to suffer

Fol. 38, a.

thameselfes to thinke upon, and they choise rather to wrap up in silence, wisheing that they may be made never more to appeare then to the encouragement of ill affected persons and to the greeff of the hairts of all good men to expresse by words." Acts, November 1641–October 1646. Fol. 38, a.

"And thairfore, upon the one part, they wish and are confident that the honourabill Houses of Parliament, in thair great wisdome and affection, will leave no faire and good meanes unassayed to induce his Majestie to returne unto thame, that there may be a better understanding betuix him and his people, and they honored with his royal presence, and strenthened be his scepter and auctoritie. And altho they know that they nor will nor sould further medle with the publict actions of another kingdome then they are called or enteressed as fellow subjects under one heid and monarch, yit, since the honorabill Houses of Parliament have thought meit to draw the practise of the Parliament of Scotland into example in the poynt of declaration, they are confident that the affection of the Parliament will lead thame also to the practise of this kingdome in composeing the unhappie differences betuix his Majestie and thame, and so farre as may consist with thair religion, liberties and lawis, in giveing his Majestie all satisfaction, especiallie in thair tender care of his royall person and of his princelie greatnes and auctoritie, whiche will be also the most powerful meane of setling the prosperitie and greatnes of that kingdome."

"Upon the other part, frome the deepe sense of his Majesies trouble and frome the love and loyaltie of thair hearts thair humble desyre is that his Majestie may be pleased to hearken to the earnest desyrs and hartie invitation of his people in returneing to his Parliament, quhilk, as it is his great, so it is his best and most impartiall counsell, that by the brightnes of his Majesties presence and countenance all the clouds of former jealousies and feares may be scattered, a mutual confidence may be revived and his people satisfied, as the onelie meane of happines both to the King and kingdome, the reflexion quhairof upon this kingdome will also increase our happines."

"And since his Majestie hath beene pleased to make knawin to thame his resolution to goe to Ireland in person, they are bold as his Majesties loveing subjects and faithfull councellors to give thair humble opinion that, as they doe with thair hairts acknawledge his Majesties fatherlie compassion of the sufferings of his good subjects be the rebellion thair, his princelie endevors in quickning all meanes that may serve for thair releiffe and for the more speedie and powerfull suppression of the rebells and delyverance of his people in offering to hazard his awne royal person, then whiche there can be no greater demonstration of princelie care and courage, so are they by thair naturall affection and by thair desyre of the preservation of his Majesties person, upon whiche dependeth the saiftie of his kingdomes, constrained in all humilitie to represent that they conceave it to be a mater quhilk requyreth verie mature deliberation whither his Majestie sall hazard his awne royal person in suche a

Acts, November 1641–October 1646. Fol. 38, b.

warre, and thairby to putt all his good subjects in feares for him; whither the great affaires and dangerous distractions of the kingdome of England, quhilks never did more requyre his personal presence, may suffer his absence at this tyme, whither his going in person against suche base rebells be not a descending to low frome that heighest dignitie and royal eminencie quhairin God hath placed him as his immediat vicegerent, and whither it be not more for his Majesties honor and safetie and for the inward suretie of his people against thair feares and dangers to his Majesties person and thair outward quietnes against dangers to thameselfes to command suche forces of his willing subjects to goe in that expedition as, be Gods helpe and assistance, may be more then sufficient to crushe that rebellion and reduce the hail kingdome to his Majesties obedienee. Bot concerning this wee wish and hope that his Majestie may be pleased to heare and consider the advyce and councel of his Parliament of England, as being more neirlie concerned in the maters of Ireland, altho none be more in thair enterest in his Majesties royal person. In end they doe humblie entreat that all meanes may be forborne quhilks may make the breache wyder or the wound deeper, and that no place be given to the evill spirit of division, quhilk at suche tymes worketh uncessantlie and resteth not, bot that the fairest, most christian and compendious way may be takin be so wyse a King and Parliament, as may against all malice and opposition make his Majestie and his posteritie more glorious, and his kingdomes more happie nor ever. For this blessed and hartilie wished for conclusion according to the manifold obligation and dutie, they doe offer thair best endevors and for the present have sent up the Earle of Loudon, Chancellor of the kingdome, who will give a more ful declaration of thair mynde and desyrs."

Decreta, November 1641-October 1646. P. 61.

[Sederunt as recorded above, with the addition of Cavers.]

Edinburgh 22nd April 1642. Supplication by Thomas Morton, merchant.

Supplication by Thomas Morton, merchant, resident in Amsterdam, as follows:—The Commissioners for the Common Burdens have arrested for the use of the public a ship laden with victuals and other commodities brought hither by the supplicant "for the weale of the kingdome," which ship lies in the harbour of Leith, but to his heavy loss he cannot obtain the loosing of the arrestment and meddling with his goods. He craves their Lordships' warrant that he may do so. The Lords grant warrant as craved upon the supplicant's finding caution in the said Commissioners' books to make the goods forthcoming for the use of the public according to law.

Edinburgh, 22nd April 1642.

Sederunts, February 1635–November 1643. Fol. 90, a.

"Ane ansuer past to the Parliament of Englands declaration."

Answer to the English Parliament.

Fol. 90, b.

"The Lords appoynts Southesk and Burley to examine the tua men brought frome Berwick and to report."

Anent two men from Berwick.

"The Lords apoynts Cassills, Burley and Clerk Register to thinke upon what soumes of money will be sufficient to be given to each colonel for furnisheing of the drume, cullors and partisane and to report."

Anent furnishings for the army in Ireland.

Edinburgh, 23rd April 1642.

Sederunt:—Chancellor; General; Argyl; Morton; Eglinton; Cassills; Lauderdail; Southesk; Sinclar; Burley; Balcarras; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton. Acts, November 1641–October 1646. Fol. 38, b.

The Lord Chancellor to ask his Majesty if he approves of a Scottish Commissioner being in London and an English Commissioner in Edinburgh, with a view to prevent misunderstandings.

"Since his Majestie hath beene pleased to expresse his royall resolution and care of keeping a good understanding betuix the tuo kingdomes, and that the Commissioners are now to returne, it wes moved that for preventing of all misinformations and for ressaveing and delyverie of suche letters and messages as sall goe frome the Councel to the Parliament of England that one be appoynted to attend at London for that effect, and whither or not it be fitting that one be appoynted be the Parliament of England to stay heere. The Lords recommends to the Lord Chancellor to represent the same to his Majesties consideration that suche resolution may be tane thairanent as his Majestie sall thinke fitt for so good ends."

The Lord Chancellor to present the Lord General's commission to his Majesty for his sanction.

"The Lords of Privie Counsell, haveing this day subscryved a Commission to the Lord General, recommends to the Lord Chancellor to take the same to his Majestie, and to desyre his royal assent and hand thairto that the same may be returned and past the sealles."

Money assigned for furnishing the Irish levies with colours, etc.

"The Lords of Secret Counsel ordans and commands William Thomeson to pay and delyver tua hundreth foure score and ten dollers to everie one of these colonels that were latelie nominat be his Majestie and the Councel for the Irish expedition, and that for furnisheing of cullers, halberts and drumes to the saids regiments; quhairanent this presents with the Colonel's discharge sall be to the said William sufficient warrand."

Proclamation against regrating and forestalling.

"Forsameikle as the forstalling and regraitting of mercats hes beene oft prohibit and discharged be diverse acts of Parliament as a cryme most hurtfull to the common weale and to good order and government and tending to the raiseing and fomenting of dearth and scarsetie, by the quhilks acts of Parliament it is speciallie declared that who ever buyes or causes buy anie merchandice, victuall or other goods comeing be land or water, to anie faire or mercat to burgh or land to be sold frome anie part within or without the kingdome, or who makes anie contracts or promises thairanent before the goods be brought to the faire or mercat place to be sold, or who sall make anie motion be word, writt or message for raiseing the pryces of the saids goods, or who sall disswad anie persons comeing to faires or mercats to bring thair comodities thairto, sall be repute, haldin, esteemed and judged as forestallers; and who ever gets in thair possession in anie faire or mercat anie kynde of vivers whilks sall be brought to be sold and sells the same over agane in anie faire or mercat haldin in the same place or anie other faires or mercats within foure mylles thairof salbe repute and haldin as regraiters as in the saids acts, conteaning diverse others clauss for restraineing this pernicious abuse, at lenthe is conteand. And quhairas this abuse is now Fol. 39, a.

Acts, November 1641–October 1646. Fol. 39, a.

come to a verie great height in so farre as his Majesties subjects by the unlawful practises of thir forstallers and regraiters are heavilie extortioned in the pryces of vivers and others comodities, and they goe one without feare of the law in that wicked trade, promiseing to thameselfes immunitie and impunitie becaus of the not execution of the saids acts aganis thame, thairfore his Majestie and Lords of his Privie Counsell have resolved with all severitie to putt the saids acts to execution in all poynts, and ordans letters to be direct chargeing officers of armes to pas to mercat croces of the heid borrowis of this kingdome and thair be opin proclamation to make new intimation of the saids acts of Parliament made against forstalling and regraiting; and accordinglie, to command, charge and inhibit all and sundrie his Majesties leiges and subjects that nane of thame presoome nor take upon hand anie longer to use this pernicious trade of forstalling and regraiting, and that they buy no kynde of vivers nor others goods comeing to the borrow touns or common mercats within this our kingdome till the same be brought be the countrey people to the mercat place and there sauld be parcells, under the paines conteaned in the acts of Parliament, quhilk sall be executt aganis thame without favor, commanding heirby the provest and baillies of the borrowis of this kingdome, who are constitutte his Majesties justices for execution of the saids acts, that they and everie one of thame within thair several bounds and jurisdictions have a special care of the observation of the saids acts, and trying and punisheing the transgressors of the same, as they will answer at thair heichest charge and perrel."

Fol. 39, b.

Proclamation fixing the prices of wines which has been rendered necessary by the excessive prices charged by wine-merchants.

"Forsomuche as the arbitrarie and unlimited libertie usurped be merchants, sellers and ventners of wyne in setting doune and exacting the pryces of thair wynes hes beene verie prejudiciall heirtofore to his Majesties leiges, and is lyke to be of dangerous consequence and disgraceful to his Majesties government in tyme coming if the pryces of wynes be not regulated and moderated be order of justice, thairfore his Majestie, with advyce of the Lords of his Privie Counsel, has thought fit and expedient, concludit and ordand for the present, that the tune of Frensh wyne sall be sold at tua hundreth punds, and the tunne of Spanish wyne at foure hundreth punds, and that the pynt of Frensh wyne be vented at ten shillings the pynt, and the pynt of Spanish wyne at tuentie shillings, and so furthe proportionable, which may be receaved without losse, and with reasonabill advantage to the merchants and ventners of wyne; and ordans letters to be direct chargeing officers of armes to pas to the mercat croce of Edinburgh and others places neidful, and there be opin proclamation to command, charge and inhibit all and sundrie wyne merchants and ventners of wyne that nane of thame presoome nor take upon hand after the publication to sell nor vent wyne at anie heicher rate nor is above prescryved under the paines following: —everie merchant under the paine of ane hundreth punds for each tunne he sall sell contrare to this present act, and everie ventner under

the paine of tuentie punds for eache failyie *toties quoties*, to be uplifted aff the contraveeners, the tua part thairof for his Majesties use, and the thrid part to be given to the informer." Acts, November 1641–October 1646 Fol. 39, b.

Proclamation for the inbringing of the collections for the Irish refugees.

"Forsameikle as the Lords of Privie Counsel, out of thir sense of the sufferings and miseries of his Majesties distressed subjects in Ireland flying thither for releiffe, did recommend to the ministers of the several parishes of this kingdome to gather the Christian benevolence of thair parishioners, and the ministers to bring in the same to the moderators, and they to send the saids collections to the burrowis of Edinburgh and Air respective, to be ressaved thair be persons of credit and qualitie in maner conteand in the act made heiranent; conforme quhairunto his Majesties good subjects in most parts of this kingdome, haveing cheerfullie and liberallie contribut in this earand, and the Lords expecting that thair order for ingaddering and inbringing the same sould be punctualie observed for the good of these people, neverthelesse they are informed that the saids collections are lyke to be interverted to other uses nor to the releiffe of the saids distrest Christians in so farre as manie of the saids collections, speciallie within the provinces of Fyffe, Angus, Aberdene, Murray, Rosse and others on the north syde of Forthe and within the provincialls of Merce, Teviotdale, Lothian and Peebles, are kept up Fol. 40, a. be persons not warranted be the Lords, and nather delyvered be thame to the moderators of the presbyteries nor be the moderators to the collectors in Edinburgh appoynted for ressaving the same, wherby the charitie so hartilie bestowed be weele affected Christians for so good ane end is lyke to miscarie, and the poore people in Ireland are lyke to be defraudit thairof, to the great offence of God and scandal of the gospel; thairfore the Lords of Privie Counsell ordans letters to be direct to command and charge the ministers of the severall parishes within the provinces forsaids to bring in thair collections to the moderators of thair several presbiteries within ten dayes nixt after they be chargit thairto, under the paine of rebellion, etc.; and to charge the moderators of the saids presbiteries to bring or send in the collections of the kirks with a note of the same under thair hands to Johne Meine, James Stuart, and Samuel Lockhart, merchants burgesses of Edinburgh, or anie of thame, collectors appoynted to ressave the same, within tuentie dayes nixt after the charge, under the paine of rebellion, etc.; and to charge all others havers of the saids contributions or anie part thairof to bring in the same to the saids collectors within ten dayes, under the paine of rebellion, with certification if they failyie, letters sall be direct chargeing thame *simpliciter* to that effect."

Edinburgh, 23rd April 1642.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 62.

Similar proclamation.

"Forsamekle as the Lords of Privie Counsell, out of thair sense of the sufferings and misereis of his Majesteis distrest subjects in Ireland

Decreta, November 1641–October 1646. P. 62.

flying thither for releefe, did recommend to the ministers of the kingdome within thair severall parishes to gather the Christian benevolence of thair parochiners, and the ministers to bring the same in to the moderators and they to send the saids collectiouns to the burgh of Edinburgh and Air respective to be receaved there be persons of credit and qualitie in maner conteanned in the act made heeranent; conforme whereunto his Majesteis good subjects in most parts of the kingdome, having cheerfullie and liberallie contribute in this earand, and the Lords of Privie Councell, expecting that thair order concerning the ingaddering and imbringing of the same sould be punctuallie observed for the good of these poore people, nevertheles they ar informed that the saids collections ar likelie to be interverted to other uses nor the releefe of the saids distrest Christians, in so far as manie of the saids collectiouns, speciallie within the provinces of Fyffe, Angus, Aberdene, Murray, Ros and others upon the north side of Forth and within the provinciales of Merce, Tevoitdaill, Lothiane and Peebles, and they ar keeped up be persons not warranted be the saids Lords and nather delivered be thame to the moderators of the presbytereis nor be thame to the collectors in Edinburgh appointed for receaving the same, whereby the charitie so heartilie bestowed be weill affected Christians for so good ane end is like to miscarie and the poore people of Ireland ar like to be defrauded thairof, to the great offence of God and scandall of the gospell," the Lords therefore ordain letters to be direct to charge the persons foresaid to obey the former injunction and pay the same to John Mayne, James Stuart and Samuel Lockhart, merchant burgesses of Edinburgh, or any, of them, as the appointed collectors thereof, within twenty days, and such as have these collections or part thereof within ten days after being charged, on pain of horning.

P. 63.

Sederunts, February 1635–November 1643. Fol. 90, b.

"Act and letters past for imbringing the contribution collected for releiffe of these that are fled out of Ireland." Relief for Ireland.

"Ane act past for transport of the six Irish men tane at Kirkcudbryght and now prisoners heere in Edinburgh tolbuith, that they be sent to Berwick." Irish prisoners in Edinburgh.

Acta, November 1641–October 1646. Fol. 40, a.

Sederunt:—Chancellor; General; Privy Seal; Mar; Morton; Eglinton; Glencairne; Dunfermline; Perthe; Lauderdail; Kinnoul; Southesk; Dalhoushie; Weimes; Lanerick; Callander; Angus; Sinclar; Yester; Elphinston; Burghlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Master of Requests; Cavers; Wauchtoun; Din; Morphie; Dundas; Fintrie; Provost of Edinburgh. Edinburgh, 25th May 1642.

"The quhilk day Grahame of Fintrie wes, conforme to the Commission of Councell, ressaved and admitted on Counsell, and gave the oathes of alledgance and of a Privie Counseller." ... Grahame of Fintrie admitted into the Council.

The Chancellor's conduct in his mission approved by the Council.

See *ante*, p. 252.

"The quhilk day Johne, Earle of Loudon, Lord Heich Chancellor, haveing reported to the Councel the discharge of that trust committed to him in his late employment to his Majestie and how that his Majestie thought it more conduceable for his service that the said Lord Chancellor sould returne then goe foreward to London, whereupon he had sent to the Commissioners the declaration to the Parliament, and letter and instructions given be the Councel anent the treattie, togidder with his Lordships awne letter to the Commissioners explaneing the Councells meaning in that declaration sent to the Parliament, the Lords approves of the Lord Chancellors cariage in this earand, and finds that his Lordship hes faithfullie discharged that trust committed to him." Acta, November 1641–October 1646. Fol. 40, a.

Letter from his Majesty anent the endeavours of the Council to affect a reconciliation between his Majesty and his English Parliament.

"The quhilk day the Lord Chancellor produced and exhibit before the Counsell the missive letter underwritten, signed be the Kings Majestie and direct to thair Lordships, with the instructions sent frome his Majestie thairwith; quhilk being red and considerit be the saids Lords and they weele advysit thairwith, they ordand the same to be insert and registrat in the books of Privie Counsel, and ane answer returned to his Majestie with all conveniencie: Of the quhilk letter and instructions the tenor followis:—CHARLES R.—Right trustie and right weilbeloved cousin and counseller, right trustie and trustie and weilbeloved counsellers, wee greet yow weele. Wee have considered your answer to that declaratioun sent unto yow frome our Parliament of England and have heard our Chanceller, whome yow sent to represent the same, and as yow doe acknawledge and embrace our royal resolution of preserveing the true religion, liberties and lawis of our kingdomes with a right correspondencie betuix thame, whiche hath beene and ever sall be our cheife care, so wee cannot bot take kyndlie that yow are so sensible of the distractions betuix us and our Parliament heere, and are so desyrous of a right understanding betuix us and our people. And that your endevors quhilks yow offer for so good ane end may prove the more effectual and that yow may goe upon certane knawledge and sure grounds wee doe againe recommend to your serious consideration these messages that hath past betuix us and our Parliament, and we have commandit our Chancellor to show yow suche propositions and demands as concerneth our honor, royal power and peace of our kingdomes, quhairin wee expect and requyre your faithful advyce. We desyre not that yow sould intermedle so farre as to take upon yow to decyde the differences betuix us and our Parliament, bot that (as fellow subjects under one heid and monarch and as faithfull counsellers to us) yow will labour to informe your selfes of the true estate of the questions betuix us and our Parliament, and that yow may, in a wyse and discreit way, enquyre the reasons of these particulars, whiche wee conceave so derogatorie to our regall and just power, that yow may be the more able so to expresse your affection to our service as that yow will not be willing to sie us suffer in our honour or auctoritie. Wee bid yow fareweele. Frome our Court at Yorke, the 9 of May, 1642." Fol. 40, b.

Acta, November 1641–October 1646. Fol. 40, b.

"Instructions for our Chancellor of Scotland concerning our desyres which wee command him to represent to our Councel of that kingdome.

Instructions from his Majesty to the Chancellor anent the differences between his Majesty and his English Parliament.

"CHARLES R.—Whither is it lauful for the people to conveene in great multituds and in tumultuous convocations by minassing the King and Parliament to extort thair desyres, and whither it is saiffe for the Kings honor or person to reside quhair suche tumults are toleratted.

"2. If this be a misdemeanor, why is it not censured and suche order tane as may compesh it and secure our royal person that there be no suche abuse in the future.

Fol. 41, a.

"3. To take our message to our Parliament of the 20th of Januarie unto serious consideration.

"4. That, under pretences of feares and jealousies and craveing to putt the kingdome in a posture of defence they doe not derogat frome our power and auctoritie.

"5. To have reparation and justice agains Sir John Hotham."

Declaration by his Majesty to the Council anent his disputes with his English Parliament.

"The quhilk day the Lorde Chancellor produced and exhibit before the Lords of Privie Counsell the missive letter underwritten, signed be the Kings Majestie and direct to the saids Lords; quhilk being red, hard and considerit be the saids Lords and they acknawledgeing with all dutiful respect his Majesteis royal and religious expressions conteaned thairin, doe, according to his Majesties command and for the further satisfaction of his subjects anent his Majesties pious resolution for mainteanance of the true religion, ordane and ordans the said letter to be insert and registrat in the bookes of Privie Counsel and to be printed, of the quhilk letter the tenor followis:—CHARLES R.—Right trustie and weilbeloved cousins and counsellers and right trustie and weilbeloved counsellers, wee greet yow weele. Altho wee have alreddie written our mynde to our Councel, yit upon our second thoughts ariseing, especiallie frome some bad rumors comeing to our knawledge, wee find it necessarie both for our selfe and for the good of that our kingdome to declare and make knawin both our disposition and desyres more fullie. Wee know and feele the charge to be great and the place to be heich quhairin God, the King of Kings, hath placed us, and that wee most render ane accompt of all our actions to him who, in his awne tyme, shall judge all men, without exception of persons. Wee have no other intention bot by our governement to honor him be whome kings raigne and to procure the good of our people, and for this end to preserve the right and auctoritie quhairwith God hath vested us, and whiche by his providence hath beene deryved to us by manie princelie progenitors, in whiche glorie that our ancient kingdome and native realme of Scotland doth participat. Wee did not requyre of yow that yee sould sit as judges upon the affaires of another kingdome. Wee onelie intend to have both our sufferings and our actions, as they are exprest in manie papers whiche have past betuix us and our Parliament made thoroughlie knawin to

yow; that since wee have none besides yow, whome wee can acquaint with our proceedings, yee may clearlie sie that wee have beene so farre frome wronging our Parliament of England that wee have given thame all satisfaction, even above that whiche they thameselfes in the beginning did expect or almost desyre, and als muche as could weele consist with the saiftie of our person or honor. Wee will not putt yow in mynde of your natural affection towards us, whiche we know will rather be kindled then extinguished be our distresse, nor of your covenant quhairin yee are zealous of our greatnes and auctoritie and whiche standeth in that sense quhairin yee did swear and subscryve it, nor of the manie good lawis made in our late Parliament of whiche wee hope the present and succeeding generations sall reape the fruit when wee are dead and gone, nor of the manie promises made to us upon which wee were willing to yield to suche things for setling the governement of that our kingdome in our personal absence whiche, could wee have granted, nor would yow have craved (as your selfes did professe) had our greater affaires permitted our residence among yow. And quhairas wee are most unjustie blamed and calumniated, first, that wee are popishlie affected; secondlie, that wee are the caus of the bloodshed in Ireland; and, thridlie, that wee intend to bring in forrayne forces, wee here doe protest and declare in the presence of Him who knowis the most secret of our intentions and actions, that wee are nowayes conscious to our selfe of the guiltines of anie of the saids aspersions, and doe take Him to witnesse our innocencie thairin, who onlie hath the priviledge to be the searcher of hearts. And if anie, after so full and plaine profession, sall distrust this our so free declaratioun, wee attest God that the fault is in the malignitie of thair rebellious humors and nowayes deserved on our part. Given at our Court at Yorke, the 20 of May, 1642."

Acts, November 1641–October 1646. Fol. 41, a.

Fol. 41, b.

Declaration by the Parliament of England to the Council in which it expresses approval of the advice given by the Council to his Majesty, and requests that his Majesty's communications to the Council may be forwarded to the Parliament of England, which undertakes to forward to the Council the communications of his Majesty to the said Parliament.

"The quhilk day Sir Archibald Jonston of Warieston, compeirand personallie before the Lords of Privie Counsell, produced a letter direct to him be the Commissioners at London, quhairby his lordship wes desyred to give in to the Councell the declaration underwritten, given to thame be the Parliament, and did accordinglie exhibit the same, quhairof the tenor followis:—The declaration of the Lords of the Privie Counsel of the kingdome of Scotland, made the 22 of Apryle, 1642, haveing beene presented and seriouslie considered be the Lords and Commons of the Parliament of England, they have be consent of both Houses ordered that in thair name the Commissioners for the kingdome of Scotland be entreatted to returne thanks to that honorabill table of the Privie Councel of Scotland for thair great affection expressed to his Majestie and this kingdome and for the wyse and sound counsel given the King to returne to his Parliament, being his best and most impartial Counsel, and to lay asyde his purpose of going into Ireland, in both whiche they have fullie concurred with the humble petitions and desyres presented to his Majestie from both Houses. And as they have never given his Majestie anie just caus of jealousie or feare, bot in all thair

tn, Novem- r 1641– tober 1646. l. 41, b.

proceedings have aimed at his honor, happines and saftie, without anie other design bot onelie to preserve and secure the true protestant religione, and the ancient liberties of this kingdome, so will they carefullie endevor by all fitt meanes to worke in his Majestie a right understanding of thair loyal intentions and most affectionat desyres of the comon good of his Majestie and his kingdomes, whiche can have no lasting nor sure foundation bot in a mutual confidence betuix him and his Parliament. For the better obtaineing quhairof they entreat them to continow and renew suche thair good advyce to his Majestie and to suppresse the attempts of those who upon causlesse pretences and suggestions sall perswade thame to enterpose in these unhappie differences in anie suche maner as may weaken the confidence or endanger the peace of the tua kingdomes. And that thair Lordships will please to remember with what caution and tendernes the state of Scotland hath heirtofore endevored that that kingdom might receave no prejudice by anie proceedings of his Majesties Privie Councel of England, the example of whose wisdome thairin this Parliament is willing to follow, and will alwayes be verie careful of the preservation of the mutual affection betuix the tuo kingdomes, according to the treatties ratified in both Parliaments; the brotherlie affection quhilk they beare to that nation and the enterest they have in the prosperitie thairof so much conduceing to the establishment and securitie of the true religion and just liberties in this kingdome. For the better improveing and applying this mutual union and correspondencie to the setling of the present troubles it is desyred by both Houses of this Parliament of England that thair Lordships will send a catalogue of these severall declarations, messages, answers and instructions quhilks they have ressaved frome his Majestie whiche concernes this kingdome, that so they may the better remove anie doubt or mistake of thair actions whiche may be drawin frome anie suche writings. And they lykewayes intend to send to the Councell of Scotland suche declarations, petitions, remonstrances, as they sall have occasion to make to his Majestie and this kingdome, quhairby thair Lordships may be the more fullie informed of the true grounds of thair proceedings and the amitie and mutuall intelligence betuix the tuo kingdomes may be held in continowall practise and exercise for good of both. *Subscribitur*, Manchester, Wm Lenthall, speaker."

Case of Captain Winter. See *ante*, p. 203.

"The quhilk day in presence of the Lords of Privie Counsel compeired personallie Captane Johne Winter, gentleman of his Majesties Privie Chamber, for satisfaction of the obligement made be him to the Lord Generall his excellencie, captane of the castle of Edinburgh, and protested in regard of his appearance this day that he wes free of the said obligement, quhilk the saids Lords admitted."

ederunts, 'ebruary 1635- lovember 643. 'ol. 91, b.

Sederunt ut superiore die and *cum* Argile.

Edinburgh 26th May 1642.

[No record of business.]

Edinburgh, 27th May 1642.

Sederunt ut diebus superioribus.

Acta, November 1641–October 1646. Fol. 42, b.[1]

[1 This Act omitted in its proper place.]

Release of Captain Winter.

"The Lords of Privie Counsell hes liberat and releived and be thir presents liberats and releives Captane Johne Winter of his imprisonement within the castle of Edinburgh, so as he may pas quhair he please, becaus he, being personallie present, acted and obleidged himselfe to appear before the parliament of England when ever he sall be laufullie requyred to that effect."

Certificate to Captain Winter to the effect that the charge against him of supplying intelligence to the Irish rebels is unproven.

"To all and sundrie whome it effeires, wee, the Lords of his Majesties Privie Councel of the kingdome of Scotland, doe testifie and declare that Captane Johne Winter, gentleman of his Majesties privie chamber, being committed to warde within the Castle of Edinburgh upon some informations given agains him of giveing intelligence to the rebells in Ireland, and that wee, haveing used all diligence to try the same, have fund nothing provin against the said captane, and doe truelie esteeme him innocent of that challenge for anie thing wee know, be thir presents subscribit with our hands at Edinburgh, the tuentie sevent of May, 1642. *Subscribitur*, Loudon, Cancel[r]; Leven, Argyl, Roxburgh, Mar, Morton, Eglinton, Perthe, Dumfermlin, Kingorne, Kinnoul, Southesk, Weimes, Dalhoushie, Lanerick, Callander, Angus, Sinclar, Elphinston, Burley, Balcarres, A. Gibson, Durie; Thomas Hope, J. Carmichael, S. Ro. Gordon, S. W. Douglas, Provest Ed[r]."

Edinburgh, 28th May 1642.

Sederunt:—Chancellor; General; Privy Seal; Argyl; Mar; Morton; Eglinton; Glencairne; Dumfermlin; Perthe; Lauderdail; Kinnoul; Southesk; Dalhoushie; Weemes; Lanerk; Callander; Angus; Sinclar; Yester; Elphinston; Burglie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Master of Requests; Cavers; Wauchtoun; Dun; Morphie; Fintrie; Dundas; Provost of Edinburgh.

Appointment of Committee to advise as to the replies to be given to his Majesty and the Parliament of England.

"The Lords of Secret Councell nominats and appoynts and thairwithall gives comission to the Lord Chanceller, the Lord Privie Seale, the Marques of Argyle, the Earles of Morton, Lauderdail, Kinnoul, Southesk, and Lanerick, the Lairds of Wauchtoun, Dun, Dundas, and Shireff of Teviotdail, not excluding anie of the Counsell who please to meit with thame, to conveene and advyse upon the tenor of the answer that is to be returned to his Majestie and the Parliament of England, and to report thair opinion to the Councel with the first conveniencie; and ordans thair first meiting to be this afternoone in the Exchecker Hous."

Edinburgh, 31st May 1642.

Sederunt:—Chancellor; Argyle; Eglinton; Glencairne; Lauderdail; Weemes; Dalhoushie; Angus; Sinclar; Yester, Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Master of Requests; Dun; Dundas; Wauchton; Provost of Edinburgh. Fol. 43, a.

Petition in the name of noblemen,

"The quhilk day in presence of the Lords of Privie Counsell compeired personallie Thomas, Earle of Hadinton, David, Lord Elcho, Arthure

Acta, November 1641–October 1646. Fol. 43, a.

Areskyne of Scotiscraig, Sir John Wauchop of Nidrie, John Binnie, and Thomas Patersone, merchants burgeses of Edinburgh, James Lentron, burges of S[t] Andrews, M[r] Andro Ramsay, minister at Edinburgh, and M[r] John Moncreiff, minister at Kingorne, for thameselfes, and in name of the noblemen, gentlemen, burgeses and ministers occasionallie meiting at Edinburgh, and gave in to the saids Lords the supplication underwritten, of the quhilk the tenor followis:—To the right honourabill the Lords of his Majesties Privie Counsel, the humble petition of manie noblemen, gentlemen, burgeses and ministers occasionallie meiting at Edinburgh, most humblie sheweth. Whereas they, upon the report and sight of great convocations suddenlie endevored and unexpectedlie brought into this Councel day, for the most part by these who have beene esteemed be the countrey and challenged be the Parliament as incendiaries, plotters or enemies to the peace of thir kingdomes, have occasionallie conveened at Edinburgh, and haveing hard of letters frome his Majestie and declarations frome the Parliament of England anent the present distractions of that kingdome, they have reason frome bygone experience and present presumptions to feare the intentions and endevors of those evill affected persons and thair adherents, least by thair convocations and sollicitations they take occasion of these differences to raise jelousie and division betuix thir kingdomes; and considering the common enterest of all the subjects of this kingdome to preserve the late peace so happilie concludit betuix thir nations be the providence of God, his Majesties goodnes and wisdome and the mediation of the Parliament of England, and so solemnlie established be the late treattie, oath of Parliament, publict faith, and great seales of thir kingdomes, as in all other poynts so speciallie in these articles (quhairunto the rest are called bot prefaces) for setling and enterteaneing a solid peace betuix thir nations in tyme comeing, least upon anie pretence they sould be dashed one against another, quhairin it is declared the duetie of the Estates, yea of everie subject, for to conveene and suppresse anie ill affected persons who would raise armes aganis the subjects of the other kingdome without consent of Parliament as traitors to the Estate, muche more to petition against it, and quhairin there is appoynted a commission of the Estates for the conservation of this peace in the interim betuix Parliaments; all whiche the petitioners, among the rest of the good subjects of this kingdome, did hazard thair lyves and estatis for to obtaine; and did demand in the treattie upon thair dangerous experience of the Councell of England thair medling in the affaires betuix his Majestie and this kingdome be the engadgeing of the nations in warre, which is so oft condemned be
Fol. 43, b. the Estates of this kingdome in thair remonstrances pressing that common rule of equitie, to doe as wee would be done unto, quhilk now is and may be retorted on this kingdome; lykeas desyring earnestlie that your Lordships in these publict resolutions of so great consequence to thir dominions may carie along with yow the hairts and consciences of the bodie of this kingdome, and prevent that the breach grow not

gentlemen, burgesses, and ministers against the meeting of Incendiaries and others in Edinburgh and against the Council's undertaking engagements with his Majesty which might lead to disputes with the Parliament of England.

wyder by false confidence groundit upon sudden undertakings of anie persons, as also thair natural affection and dutie to thair gracious soverane, according to thair manifold obligations and brotherlie affection to the kingdome of England forceing thame to pray to God, and to desyre all men according to thair stations to use all lauful meanes to breed and enterteane a good understanding betuix his Majestie and his Parliament, the surest fundation of greatnes to his Majestie and happines to thir kingdomes; lykewayes takeing to hairt the dangerous consequences to his Majestie and to his dominions if your Lordships answer by tendering the offer of your service to his Majestie against the demands or upon the differences betuix his Majestie and the Parliament of England, or anie other maner of way import (whiche God forbid) anie engadgeing of your selfes or of thir nations in warre, or anie thing that may tend thairunto; thairfore in our names, and in name of the rest of the nobilitie, gentrie, burgeses and ministers, whose hairts doe and hands would goe along with this petition for preservation of peace betuix thir kingdomes, they doe in all humilitie and earnestnes petition your Lordships in the depth of your wisdome seriouslie to ponder the consequences of your answer to his Majestie and the Parliament of England at this tyme, so that thairby nather the confidence betuix his Majestie and his good subjects heere, nor among thameselfes nor betuix the kingdomes (these unions tending ever to his Majesties greatnes, and these divisions to his prejudice) may be anie wayes weakned, or thair peace endangered; and to that end, as your Lordships would leave no lawfull meane, according to your vocation and enterest, unassayed for begetting a good understanding betuix his Majestie and his Parliament, being his greatest and most impartiall counsel, representing the bodie quhairof his Majestie is the head, and for removeing the distractions (the continowance quhairof will ever trouble the peace of this kingdome) according to your Lordships last answer, so also seing his Majestie requyres not that your Lordships sould, nather can your Lordships judge of the lawis and proceedings of another independent kingdome, and the parliament of England offers to give all satisfaction concerning any messages or papers sent to your Lordships anent thair proceedings, that your Lordships would be pleased carefullie to shun all offer of real or verbal engadgements, either directlie or be way of inference, without consent of the Parliament, conforme to the treattie, whiche either may give anie just occasion of offence to your gratious soverane or of jealousie to thair brethren in England, or of discourse to anie; as if your Lordships did not observe that former rule of equitie, pressed be thamselfes dureing thair troubles, to doe unto others as they would be done unto thameselfes, bot did fall in the same faults quhilks your Lordships and the rest of the Estates of this kingdome have condemned in the Councel of Ingland. And for this effect they cannot bot remember to your Lordships that according to ane article of the treattie there wes appointed a commission, als independent as anie other, of so manie of everie estate representing

Acts, November 1641-October 1646. Fol. 43, b.

Fol. 44, a.

Acta, November 1641–October 1646. Fol. 44, a.

the hail kingdome, to prevent all occasions of division betuix thir kingdomes in the interim betuix Parliaments. All whiche they humblie represent to your Lordships wyse considerations, and expects frome your Lordships so gratious ane answer as may satisfie thair present feares and secure thame frome these dangers in this interim betuix Parliaments and thairby prevent all necessitie of petitions of this kynd. Quhilk supplication being red, hard and considerit be the saids Lords and they findeing the same to conteane maters of publict concernement, and of that importance that requyres mature deliberation, thairfore they continow the answering of this petition till the morne, and ordans the hail councellers in toun to be warned to attend the Councel the morne at tua afternoon."

Decrets, November 1641–October 1646. P. 63.

[Sederunt as recorded above, omitting the Advocate.] Edinburgh, 31st May 1642.

Supplication by John, Earl of Rothes, Sir George Hamilton of Blackburne, Andrew Ainslie and George Arnot, merchants, burgesses of Edinburgh, as follows:—His Majesty and the Estates of Parliament, considering the great loss sustained by the supplicants at the hands of the state of Hamburgh by the delay and refusal of justice against Captain Long and Captain Utenhold, two of their citizens, granted to the supplicants second letters of reprisal against the said state, ordaining them to lie in the Council's hand until the 1st of April. This day being past and no satisfaction given to the Council or supplicants, they crave delivery of the said letters. His Majesty and the Council wrote two letters to the said state desiring them to make payment to the supplicants and their commissioner of their losses, amounting to £15,000 sterling, in terms of the decreets recovered by them, and they had sent over Mr. George Halyburtoun as their commissioner, who on 15th April last delivered these two letters to the Senate of Hamburgh, but received only a "shifting answer." He also on the 29th of that month appeared personally before the said Senate and protested that, as he had waited now fifteen days for his answer, he had done his duty and that whatever followed hereupon should not be imputed to him, and took instruments thereupon, which were produced to the Lords. The supplicants have been at exceeding great charges in the matter, and thereby his Majesty and the country sustain no small discredit. The Lords, after advising, ordain their Clerk to deliver to the supplicants the said letters of reprisal to be made use of by them conform to the tenor thereof.

Supplication by John, Earl of Rothes, and others for letters of reprisal in favour of Captain Long and Captain Utenhold against the city of Hamburg.

P. 64.

Acta, November 1641–October 1646. Fol. 44, a.

Sederunt:—Chancellor; General; Argyl; Eglinton; Glencairne; Lauderdail; Weimes; Dalhoushie; Angus; Yester; Sinclar; Elphinston; Burley; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cavers; Dundas; Wauchton; Provost of Edinburgh. Edinburgh, 1st June 1642.

Answer of the Council to the petition presented in the name of the noblemen, gentlemen, burgesses, and ministers. See *ante*, p. 260.

"The Lords of Privie Counsel, haveing againe red the petition above written, declars that they will have consideration thairof, and as they are most tender and sensible of whatsomever may concerne his Majesties honor and auctoritie, so will they have a special care not to doe anie thing contrarie to the late treattie or whiche may infringe the union and peace or weaken the confidence betuix thir tua kingdomes so happilie established in his Majesties presence and with his royal consent in both Parliaments; and are confident that as frome the saids Lords the petitioners nather hes nor sall have necessitie, so they will not trouble thameselfes nor the Councel heirafter with supplications of this kynde." Acta, November 1641-October 1646. Fol. 44, a.

Addition to the Committee anent the fugitives from Ireland.

"The Lords of Secret Counsell, for the more tymous and easie dispatch and answering of the petitions of the poore people of Ireland, adjoynes to these of the Committee formerlie appoynted for that purpose Mr Allexander Colvil, Justice Depute, Mr Allexander Peirson, advocat, William Rig of Ethernie and James Stuart, merchant burges of Edinburgh, and declars that these of the former comittee and persons now adjoynd, or anie fyve of thame with ane counceller and Lord of the Session and anie one of the ministers of Edinburgh sall make a quorum, who may answer and dispatche the said poore people according to the tenor of the first commission of the date the 25 of Marche last." Fol. 44, b.[1] [1 These two Acts omitted in their proper places.]

Commission to the Lord Advocate and others to try poor prisoners in the tolbooth of Edinburgh.

"The Lords of Privie Counsell gives commission be thir presents to Sir Thomas Hope of Craighal, knicht barronet, his Majesties advocat Sir John Hamilton of Orbeston, Justice Clerke, with anie one of the Justice Deputs to call before thame the poore people, prisoners within the tolbuith of Edinburgh for criminal causes, when they thinke fitting, and to try and examine thame upon the crymes for quhilks they are committed, and to report to the Councel at thair best conveniencie."

Edinburgh, 1st June 1642.

Attendance of Councillors.

"The quhilk day the maissers reported that they had warned the whole Counsell being in toun thir fyve dayes bygane to attend this day." Sederunts, February 1635-November 1643. Fol. 91, b.

The country's petition.

"The countreis petition answered, and sent up to the Kings Majestie with a letter."

Edinburgh, 2nd June 1642.

Sederunt:—Chancellor; General; Argyl; Privy Seal; Mar; Morton; Eglinton; Glencairne; Perthe; Lauderdail; Kinnoul; Southesk; Weeimes; Dalhoushie; Lanerick; Callander; Angus; Yester; Sinclar; Elphinston; Balcarres; Advocate; Justice Clerk; Treasurer Deput; Cavers; Wauchton; Dundas. Acta, November 1641-October 1646. Fol. 44, a.

The Council's answer to his Majesty.

"Most sacred soverane, Wee have seene and considerit the several messages and letters past betuix your Majestie and your Parliament of England with the propositions and demands shawin to us be the Lord Chancellor, and, as wee are hartilie sorie to sie the condition of affaires thair, so wee are and sall ever be reddie, according to our bund dutie, to contribut our humble service and best endevors for setling the same in suche a way as may conduce most to your Majesties honor and auctoritie and good and peace of your kingdomes, as becometh your Fol. 44, b.

Acta, November 1641-October 1646. Fol. 44, b.

Majesties most humble and faithful subjects and servants. 2 Junij, 1642. *Subscribitur* as in the sederunt."

Sederunts, February 1635-November 1643. Fol. 91, b.

[Sederunt as recorded above, omitting the Justice Clerk, Treasurer Depute, and Lanerick, and adding the Clerk Register.] Edinburgh, 2nd June 1642.

Answer to his Majesty and the Parliament of England.

" Ane ansuer returned to his Majestie and Parliament of England."

Acta, November 1641-October 1646. Fol. 44, b.

Sederunt :—Chancellor; General; Argyl; Privy Seal; Mar; Morton; Dunfernlin; Lauderdail; Kinnoul; Southesk; Angus; Burlie; Balcarres; Advocate; Justice Clerk; Treasurer Depute; Master of Requests; Cavers; Wauchton; Provost of Edinburgh. Edinburgh, 7th June 1642.

Warrant to David, Earl of Southesk, and others to collect subscriptions for the repair of Monifieth bridge.

" The Lords of Secret Counsell, being informed that the bridge of Monyfuith within the shirefdome of Forfar is ruinous and lykelie to decay, to the great prejudice of his Majesties subjects repaireing frome the north to the south parts of this kingdome, and that for preventing thairof it is necessar that the said bridge be repaired and uphaldin, thairfore the saids Lords gives warrand be thir presents to David, Earle of Southesk, John, Lord Loure, Sir Allexander Aresken of Dun, David Grahame of Fintrie, Grahame of Morphie, Durhame of Grange, Mr James Durhame of Kinnel, Grahame of Claverhous, and the provests of Dundie and Monros and anie one of the baillies of Arbroth, conjunctlie and severallie, to ressave such voluntar benevolence frome his Majesties good subjects, as they sall be pleased to bestow for repairing of the said bridge, and to apply the same for that use, and to sie the said bridge
Fol. 45, a. substantiouslie repaired in that forme and maner quhilk they sall find most expedient. And the saids Lords declares that what soumes sall be bestowed be the saids commissioners upon the repaireing of the said bridge more then is ressaved be thame of the said voluntarie benevolence, that they will take some course for refounding the same in suche a way as sall be most agreeable to equitie and reason."

Decreta, November 1641-October 1646. P. 64.

[Sederunt as recorded above.] Edinburgh, 7th June 1642.

Complaint by Sir Charles Erskine of Cambuskenneth against John Ewen whom he accuses of hindering Mr. John Rollock, sheriff-depute of Stirling, from surveying the lands of Cuikspow which he had been charged to do by

Complaint by Sir Charles Areskine of Cambuskenneth, knight, as follows:—On 5th April last Mr John Rollock, sheriff depute of Stirline, by their Lordships' warrant which was granted at the complainer's instance, " went to the ground of the lands of Cuikspow to make survey of the estate of the saids lands and of the trees and planting of the same belonging to the compleanner, and quhilks have been spoiled be Johne Ewin, wodsetter thairof, and there the said Mr Johne fenced ane court and caused warne the said Johne to compeir before him and see the said survey made, which he refused, being within the place for the time, uttering disdainefull and contumelious speeches aganis the said Mr Johne, suche as, 'Yow, sheriff, hes no power to hold courts heir and I will

warrant of the Council.

make yow answerable, and if there wer no more heir now nor 1 yee durst not do it.' And, therefore, the said Mr Johne, in obedience of his Majesteis letters, did first survey the planting round about the yairds and orchards of the mannour place where he found onelie nyne score standing trees uncutted or thereby and the rest all cutted and destroyed to the number of 400 or thereby; therafter past to a park lying contigue to the easterne orchard of the place and found onelie fiftie or three score standing trees uncutted in the park, being four aikers of land and thick planted, and all the rest of the trees of oak and firre to the number of 8000 or thereby cutted at the root, which be occular inspection of the stooles thereof wer of the bignesse of ane elne three quarters of ane elne round about all latelie destroyed. Thereafter the said shiref deput past to the mannour place of Cuikspow, entered within the hall thereof and required the said John, being personallie present, be vertue of the Counsells warrant to make the doores of the orchards open to the effect he might enter and survey the fruict trees therein, quhilk he also refuised, so as the said deput wes forced (wanting power to make open doores) to compasse the same about the stankes and hedges thairof, and by this kind of survey he found that there wer two great orchards, one upon the east and another upon the west and northwest of the hous of Cuikspow, and, so far as he could perceave throw the hedges, fand that there wer 200 fruict trees there of peirs and apples beside plowme trees and chirrie trees, all of the age of 30, 36 or 40 yeeres respective; as the extract of the survey purports. And, albeit be vertue of the saids letters the compleanner caused arrest the said planting yitt extant and fruict trees foresaids to remaine under arrestment till cautioun sould be found conforme to the Counsells warrant, nevertheles the said Johne in contempt thairof nather hes nor intends to find the said caution, but to cutt, waist and destroy all, and still refuses to permitt the said deput to make survey of the mannour place, orchards and fruict trees or to make open doores to that effect." The pursuer compearing but not the defender, the Lords ordain him to be put to the horn and escheated.

Decreta, November 1641–October 1646. P. 64. P. 65.

Complaint by Hector Cowan, servitor to Robert, Earl of Roxburgh, against John Cranstoun in Crailling and others for assault.

Complaint by Hector Cowan, servitor to Robert, Earl of Roxburgh, as follows:—On May, 1641, while he was peaceably attending his master's service at Cavertonedge, John Cranstoun in Crailling and several others, armed with swords, dirks, staves and other weapons, "fiercelie sett upon the compleaner; and, first, the said Johne Cranstoun gave him a bloodie stroke on the back with a drawin sword wherewith he fell to the ground, and then he strake him with a whinger under the pape to the hazard of his life, wherethrow he lay six moneths under the cure of chirurgians at his great charges without hope of recoverie and is not yitt fullie convalesced." Charge having been given to the said John Cranstoun, and the pursuer compearing by Patrick Don, his procurator, but the defender not compearing, the Lords ordain the latter to be put to the horn and escheated. Further, the said Patrick Don, in name of

P. 66.

Decreta, November 1641-October 1646. P. 66.

the pursuer, protested that this pursuit might not prejudge him of his lawful pursuit against who did also wound him.

Sederunts, February 1635-November 1639. Fol. 92, a.

" A letter frome the Commissioners of the last of May." Letter from the Commissioners.

Sederunt :—Chancellor; General; Argyle; Morton; Kingorne; Kinnoul; Southesk; Angus; Burlie; Balcarres; Advocate; Treasurer Depute; Justice Clerk; Master of Requests; Cavers; Wauchtoun; Provost of Edinburgh. Edinburgh, 9th June 1642.

Acta, November 1641-October 1646. Fol. 45, a.

"The Lords of Secret Counsel, according to ane warrand in writt signed be the Kings Majestie, ordans and commands the Commissioners of his Majesties rents to caus make a new quarter seale, conforme to the upmost just halfe of the present great seale in both sydes, and with the lyke circumscription; and for this effect ordans and commands Charles Dickesone, sinker of his Majesties irnes, to sinke and engrave the said quarter seale in maner forsaid; and ordans the saids Commissioners to furnish the necessarie charges thairof, and, being perfytted, to delyver the same to Sir John Scot of Scottistarvet, Director of Chancellarie, that all writts heirafter passing the said office may be sealled thairwith, and the former seale distroyed in presence of the saids Lords at the delyverie of the other; the charges quhairof the saids Lords declar sall be allowed to thame in thair accompts, and quhairanent thir presents sall be thir warrand." Warrant for the making of a new quarter seal.

"Forsomuche as in the order given be the Lords of Privie Counsel tuicheing the collections for releiffe of the poore people fleeing out of Ireland, the presbiteries within the provincials of Stirline, Glasgow, Air, Argyl, Galloway and Dumfreis, are ordand to send in thair collections at the burgh of Air to John Osburne and Robert Gordon, merchants burgeses there, or either of thame, notwithstanding quhairof the Lords of Privie Counsel are informed that diverse presbiteries within the saids bounds hes not as yit sent in thair collections to the persons forsaids nor the ministers of the particular parishes, to the moderators of the presbiteries according to the order, so as for want of these collections the multituds of these poore people resideing in the presbiteries of Air and Irwing, being above foure thousand persons, are lyke to sterve; thairfore the saids Lords ordans letters to be direct charging the ministers of the several parishes within the bounds forsaids to send in the collections of thair parishes to the moderators of the presbiteries within ten dayes after the charge, and the moderators of the presbiteries to send in these collections of thair presbiteries to the said John Osburne and Robert Gordon or either of thame within 20 dayes after the charge, under the paine of rebellion, etc., with certificatioun other letters sall be direct *simpliciter*." Charge to the presbyteries of Stirling and other places to send in their contributions for the relief of the fugitives from Ireland.

Fol. 45, b.

"Forsomuche as in the treattie betuix the Commissioners of both kingdomes it is condiscendit that the English or Irish, who sall be Charge to the magistrates of Edinburgh

anent certain Irish prisoners in the tolbooth of the said burgh who are to be dispatched to England.

apprehendit in this countrey as suspect persons, sall be sent frome this to England fromie shireff to shireff, and whereas Major Charles Gilmour, James Savage, George Ridley, Daniel Eurikane, Edward Ley, John Floud, Derbie Shanaghame, Patrick Grahame and Harie Brodie, have beene this long tyme bygane keept prisoners in the tolbuith of Edinburgh, as persons of the qualitie forsaid, thairfore ordans letters to be direct chargeing the provest and baillies of Edinburgh to delyver the saids persons to the shireff of Edinburgh within tuelff houres after the charge, and the said shireff to ressave and transport thame in saiftie to the shireff of Hadinton within 48 houres thairafter, and the shireff of Hadinton to ressave and transport thame to the shireff of Berwick within the lyke space after the charge, and the shireff of Berwick to ressave and transport the saids persons to the toun of Berwick and to delyver thame to the major there, who will ressave thame aff his hands within the lyke space, under the paine of rebellion, etc,, and if they failyie, etc., to denunce, etc., and esheit, etc." Acta, November 1641-October 1646. Fol. 45, b.

Edinburgh, 9th June 1642.

Sederunt :—Chanceller; Leven; Argile; Privy Seal; Mortoun; Kingorne; Kinnoull; Southesk; Angus; Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir Robert Gordoun; Wauchtoun; Dundas. Decreta, November 1641-October 1646. P. 66.

Complaint by Janet Mure, daughter of the deceased Andrew Mure, schoolmaster in Glasgow, against John Law, merchant burgess in Glasgow, for dishonest caution.

Complaint by Janet Mure, daughter of the deceased Andrew Mure, schoolmaster in Glasgow, as follows:—John Low, merchant burgess of Glasgow, being at the horn for debt to the complainer, procured a suspension from the Lords of Counsell and Session by finding as cautioner one John Maxwell, whom he represented to the Clerk of the Bills as a merchant burgess of Glasgow, though only a boy of 12 years of age at the school of Glasgow and the son of a poor workman there, the witnesses to the caution being also three scholars at the said school, though he also called them burgesses of Glasgow. This "fraud and coosenage" the complainer caused represent to the Marquis of Argile on 1st April last when he was in Glasgow, "who out of a true detestatioun of so odious ane offence gave order to the magistrats of Glasgow to try the same and to take suretie of the said Johne Low" to appear before the Council, which they did. The pursuer compearing by , her tutor, but the defender not compearing, the former for verification of the charge produced a written testimonial signed by Mr William Stuart, provost of Glasgow, to the effect that the said John Low and the boys referred to appeared before him and confessed the libel. This the boys who were personally present also confessed. The Lords, therefore, find "that the said defender hes committed a foule abuse of the law of dangerous preparative," and they ordain him to be charged to enter as prisoner within the tolbooth of Edinburgh within six days until order be taken with him, under pain of rebellion. The Lords also grant to the witnesses, a dollar to each horseman and 40s. to each footman, to be paid by the producer. P. 67.

Sederunts, February 1635-November 1643. Fol. 92, a.

"A letter to his Majestie and the Commissioners anent the taking of the Erle of Antrim." Edinburgh, 9th June 1642. The Earl of Antrim.

Acta, November 1641-October 1646. Fol. 45, b.

Sederunt :—Chancellor; Argyl; Kingorne; Lauderdail; Kinnoul; Southesk; Angus; Sinclar; Clerk Register; Justice Clerk; Treasurer Depute; Master of Requests; Sir Robert Gordon; Wauchton. Edinburgh, 14th June 1642.

Two letters from his Majesty confirming Sir James Galloway, Master of Requests, in his claim to the office of Secretary.

"The quhilk day in presence of the Lords of Privie Councel compeired personallie Sir James Gallouay, Master of Requests, and produced and exhibit the tua letters underwritten signed be the Kings Majestie, and direct to the saids Lords, quhairof the tenor followeth:—CHARLES R.—Right trustie and weilbeloved cousin and counseller, right trustie and weilbeloved cousins and counsellers, right trustie and weilbeloved counsellers, wee greet yow weele. Wee have beene so muche taken up for some moneths past with the affaires of this kingdome as wee could not with convenient leisure answer till now your letter of the 22 of November concerning our Master of Requests designeing himselfe one of our secretaries. Wee have seriouslie considerit of it and find him verie free of presumption or assumeing to himself that title, since he is in possession of the office be vertue of our grant under the great seale standing unrepealled, and as this cleares his fact, so wee cannot conceave how our right in makeing and mainteaning that grant sould be called in question, muche lesse to be lyable to the least thought of jelousie betuix us and our people, it being the constant practise of all christian princes abroad and of our ancestors and our selfe, in all our three kingdomes, according to the act of Parliament concerning our royal prerogative. And tho this be warraud sufficient yit wee are furder confirmed thairin be special acts of Parliament and Councel of that kingdome concerning the officers of estate in general and our secretaries in
Fo. 46 a. particular, besyds the necessitie of haveing tuo in that service, be reason of our residence heere furth of that kingdome. And the service belonging to the secretaries carieing with it a special trust of secrecie in the affaires of state and heichest concernement of that kingdome, we hold it not fitt that anie deputie or servant to our servants sould be entrusted bot suche onelie as are of abilitie and integritie knowin to us and sworne of our Councel. In all whiche, as there is no prejudice done to ours and our Parliaments grant of the secretarie, officer of estate, so wee assurre yow that wee will continow to mainteane and preserve all the rest of these acts of our favor and justice to our subjects without anie breach or violation quhatsomever. Requyring thairfore that yow doe acknawledg our said secretarie, Sir James Gallouay, in all the rights and priviledges of that office, that frome your example nather our dispatches, quhilks sall happin to flow frome him nor hee himselfe may suffer prejudice in the opinion of the people, quhairin not doubting of your care, wee bid yow fareweele. Given at our Court in our citie of Yorke,

this 15th of Apryle, 1642.—CHARLES R.—Right trustie and right weilbeloved cousin and counseller, right trusty and weilbeloved cousins and counsellers, right trustie and trustie and weelbeloved counsellers, wee greet yow weele. Since the wryting of our answer to your first letter of the 22 of November concerning our joynt secretarie, wee did ressave another frome the Lord Chanceller, muche as wee remember to the same purpose; bot not haveing then leisure, and it now being out of the way, wee are confident that it caried no suche weight as to beare doune our right in this poynt, whiche as wee have wrote in our first is groundit upon the acts of Parliament and Councel, our prerogative, the necessitie of the service, and our awne and our fathers practise. All whiche wee have commandit our said secretarie, Sir James Gallouay, to instruct particularlie for your farder and fuller satisfaction, that, being your selfes satisfied, yow may the more easelie remove the jealousies of anie others. Bot, if anie sall seeme not to acquiesce to so cleare evidences, wee desyre that yee lett thame knaw that the decision of this question doth properlie and sollie belong to us, especiallie in the intervals of Parliaments, it belonging onelie to our service and being mater of state; in all whiche cases and questions, and in special in one concerning the joynt secretaries office it wes the Councells act to delete frome him the ill becoming attribut of second secretarie, and thair dutiful and laudable practise to referre what else might concerne it to our soverane judgment and determination, without so muche as a thought of calling the place it selfe in question, altho there wes then als weele as now a secretarie, officer of state, with als muche priviledge as he that is now. For the consent of Parliament quhatsoever it may add to the auctoritie of our election, yit it doth not alter the nature of the place or our grant thairof beyond the former practise of the kingdome or prejudge our priviledge or prior grants, except they had beene particularlie and expreslie repealled. In all whiche it is our pleasure and desyre that no further questions be made as yee desyre to doe us acceptable service, wherof thairfore not doubting, wee bid yow fareweel. Given at our Court at Yorke, the 16 of May, 1642."

Acts, November 1641-October 1646. Fol. 46, a.

Fol. 46, b.

Act, in answer to the above two letters of his Majesty, excluding Sir James Galloway from the office of Secretary.

"The Lords of Privie Councel, haveing red the tua several letters direct frome the Kings Majestie to thame and produced be Sir James Gallouay, being ane answer to the tua letters written frome the Councell to his Majestie, anent the said Sir James Gallouay his usurpeing the title and office of Secretarie, and haveing lykewayes hard the said Sir James, who declared in presence of the Councel that the saids tua letters sent frome his Majestie were all written be his awne hand and sealled be him, they find that Sir James Gallouayes procedor in this bussines and his usurpeing the office of Secretarie and procureing of letters frome his Majestie for that effect (after several admonitions given be the Councel to the said Sir James to the contrarie, and letters written with the said Sir James his knawledge to his Majestie thairanent) is a great wrong done in prejudice of the late act of Parliament made anent the election

Acts, November 1641–October 1646. Fol. 46, b.

of the officers of estate, and thairfore remits the same to be censured be his Majestie and the next ensueing Parliament. And in the meanetyme discharges the said Sir James to usurpe or exerce the title or office of Secretarie, or to trouble his Majestie with informations to this purpose, and ordans a letter to be written to his Majestie acquainting his Majestie with the Counsells judgment heerin."

Charge to the magistrates of Edinburgh to release two Irish prisoners from the Tolbooth.

"The Lords of Privie Councel ordans and commands the provest and baillies of Edinburgh to putt Hew McGie and Coil Inlawrie, Irishmen, prisoners in thair tolbuith, to libertie and freedome furthe of the same, and suffer thame passe quhair they please, whereanent the extract of this act sall be to thame a warrand."

Decreta, November 1641–October 1646. P. 68.

[Sederunt as recorded above.]

Edinburgh, 14th June 1642.

Complaint by George Gullane of Northrig against Andrew Haitlie of Sneip and others for hamesucken.

Complaint by George Gullane of Northrig, tutor to James Livingston, tacksman of the mill and mill lands of Northrig, as follows:—On the 28th instant [*sic*] and on the 29th, being Sunday last, Andrew Haitlie of Sneip, Margaret Collein, his mother, William Collein, her brother, James Drounes and John Govan, their servants, and others, armed with swords, staves and other weapons, came by way of hamesucken in time of divine service to the said mill and houses thereof, "and without respect to the Lords Sabboth forciblie brak up the doores of the saids houses, thrust the compleanner and his servants furth thairof, possest thameselves therein, and with a great battoun gave the compleanner manie bauch, blae and bloodie strokes on the head, shoulders and others parts of his bodie to the effusion of his blood." Charge having been given to the persons named except Andrew Haitlie, and the pursuer and three of the defenders compearing personally, the said William Collein compearing by Alexander Burnet, his procurator, the Lords, after hearing parties and certain witnesses produced, who failed to substantiate the complaint, assoilzie the defenders.

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Complaint by Jeanie Galbraith, widow of David Grahame of Claypotts, for contempt of horning.

Complaint by Jeanie Galbraith, widow of David Grahame of Claypotts, and Robert Grahame, her son, as follows:—On 25th May last John Boill of Kelburne was put to the horn for non-payment to the said Jean of 500 merks and interest and expenses thereof, contained in a bond, and of 2500 merks with 105 merks contained in another bond made to the said Jean in liferent and her said son in fee; but the said John Boill remains proudly at the horn and gives no heed thereto. The pursuer compearing by James Mowat, W.S., her procurator, but the defender not compearing, the Lords ordain the latter to be charged to render his house of Kelburne, and to enter his person within the castle of Blacknes within ten days upon pain of treason.

P. 70.

Complaint by John Craigie of Sands against John Earl of Carrick, for

Complaint by John Cragie of Sands, as follows:—He is vassal to his Majesty for the sixpenny halfpenny lands of Sands in the parish of Deirnes and sheriffdom of Orkney, and he and his predecessors have been in peaceable possession thereof past memory of man. But lately, taking

violently seeking to disposses him of his lands.

advantage of the troubles of the time, John, Earl of Carict "hes resolved be bangsterie and oppression to debarre and seclude him therefra." For this end he by himself and his servants daily "pastours and keepes his hors, nolt and sheepe upon the grasse and linkes of his saids lands, and with swords, stings and dogges hounds the compleanners owne cattell and goods aff his lands upon his growing cornes and thereby spoyles and destroyes the same; and hes tane and daylie takes away the wair collected be him and his servants upon his awne ground for goodding of his saids lands and appropriats the same to his owne use; strikes and wounds his servants and hes tane away their forkes and instruments quhairwith they collect the said wair. And in the month of August, 1639, he caused maw the meadowes of his saids lands as he hes ever done since. And when as in the yeere of God 1640 the said Earle wes in the house of the Yairds at Kirkwall with the Lord Sinclar, quhairunto diverse of the inhabitants of Orkney were conveenned and the compleanner among the rest for some publict affaires, the said Earle commanded him out of his sight and discharged him to be seene upon the streit, so as he wes forced to depart. By which practises the compleanners lands ar made unprofitable to him and he can have no assurance of his life." Charge having been given to the said Earl of Carict, and he and the pursuer both personally compearing, the Lords, after hearing them and several witnesses produced, find and declare that the pursuer and his authors have been in peaceable possession of these lands of Sands and links and meadows thereof, and of the collecting of wair and pasturing upon the same till that within these three years or thereby the said Earl of Carict and his servants have debarred him as the complaint sets forth, and they ordain the said Earl and his servants and tenants to desist therefrom and find caution for the safety of the pursuers in time coming in 5000 merks, and that within twenty-four hours after the date hereof. Moreover, the Lords reserve to the pursuer his action before the judge competent for recovery of his goods according to law. Further, William Cragie of Gersay, brother of the pursuer, being personally present, desired he might have caution for his indemnity at the hands of the said Earl, of whom he gave his oath he dreaded harm and oppression, and the Lords ordain the said Earl to find caution for his indemnity in 2000 merks.

Decreta, November 1641-October 1646. P. 70. P. 71.

Complaint by Andrew Rendall and Barbara Sinclair, his spouse, against George Sinclair of Ropnes, baillie of Westrae and sheriff-depute of Zetland, for violently seeking to obtain possession of their lands.

Complaint by Andrew Rendall in Gill and Barbara Sinclar, his spouse, as follows:—George Sinclar of Ropnes, bailie of Westra and sheriff depute of Yetland, "who by his place is bound to do justice to persons wronged in these bounds, being forgetfull of his duetie he hes done what in him lyes altogether to ruine and oppresse the saids compleanners these manie yeers bygane, but in speciall these late yeeres when he knew that the course of justice wes to be expected in these bounds wes in his owne hand, for he hes not onlie tane the saids compleanners teinds over thair heads, but also compelled them to pay eight score punds of entrie where they wer in use onelie to pay the soume of

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Decreta, November 1641-October 1646. P. 72.

twentie punds for ilke fyve yeers to his Majestie; as also he has threatned and minassed the said Andro with all sort of extremitie, so as he durst not keepe the yle nor his dwelling hous for feare of his life. And about two yeeres since, when the said compleanner wes absent, the said George Sinclair directed George Artus, his servant, toward the said compleanner his hous, who, finding the said Barbara, his spous, there taking up wair, the said George shamefullie and cruellie strake her with a fork shaft and with his hands and feit brake three ribs of her side and gave her manie other bauche and blae straikes, to the hazard of her life, being great with childe, wherethrow she keeped her bed three quarters of ane yeere without hope of recoverie. Lykeas the said George, out of ane avaricious desire to possesse himselfe in the said compleanners lands of Gill, hes misinformed his Majestie anent the nature of the saids compleanners halding, they and thair predecessors being kyndlie rentalled tennents to the Earles of Orkney, his Majestie and his chamberlans, past memorie of man, und upon his misinformation procured a letter from his Majestie to the Lords of Excheker for passing in his favors ane rentall of the saids lands of Gill as proper parts and pertinents of his twa ures lands of Rakweik, it being of truthe that the saids lands of Gill wer never in the said George Sinclar his possession, nather ever had he anie right thereto till latelie in the beginning of thir troublesome times the said George, accompanied with twentie persons, boddin in warlike maner, came to the saids compleanners lands of Gill, quhilk lyes rinrig with the lands of Rakweik, and without order of law, at his owne hand, made ane perambulation of the compleanners saids lands, and by this usurped auctoritie of the law tooke frome the compleanner six rigs of the saids lands, keepes and possesses thame by bangsterie and oppression so as they darre not controll the same, howbeit they have payed his Majesteis dueteis for the saids lands of Gill ever before and sensyne. Lykeas he continuallie layes anie part of the compleanners lands waist at his pleasure. And now, lastlie, that he might leave nothing undone which might conduce to wrack the saids compleanners, knowing that they ar not able to live in that cold yle without fire, ather in summer or winter, he sent his eldest sone, Malcolme Sinclar, accompanied with ten persons, boddin with invasive weapons to the saids compleanners hill and mosse called Ousnes, where they and thair predecessors past memorie have beene in possession of casting of peitts yeerelie, and thair with battouns and great trees hurt and wounded six of thair servants, chaist thame aff the ground, took thair spaids and deteanes thame. And upon the morne thereafter the said George sent his men and caried away the peitts the saids compleanners servants had cassin, so as heirby they are like to sterve for want of fire this yeere." The said Barbara Sinclar, appearing for herself and her husband, and the defender being also personally present, the Lords, after hearing parties, and choice having been made by each party of persons in Orkney to whom they agree to submit the trial of their case,

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grant commission to Patrick Smith of Brako, James Baikie of Tankernes, and William Craigie of Gairsay, or any two of them, to conveen parties and their witnesses before them and lead probation in this complaint, compelling the witnesses to attend and depone upon oath, and having chosen a clerk to set down the depositions in writing and report the process sealed and closed to their Lordships with all convenient diligence so that justice may be done therein. And the Lords declare that in the consideration of the said trial they will only have respect to the points thereof which shall infer a riot, and that this trial and sentence shall not affect the legal rights of either party. Decreta, November 1641–October 1646. P. 73. P. 74.

Supplication by James, Earl of Murray, and the other commissioners against the Clan Gregor for an armed force to exact fines imposed on resetters of the said clan.

Supplication by James, Earl of Murrey, James, Earl of Finlater, Sir Robert Innes of that Ilk and the remanent commissioners appointed by the Committee of Estates against the Clan Gregor and their resetters, as follows:—By virtue of their commission they had fined certain resetters of the Clan Gregour, which having been seen and allowed by their Lordships, they directed letters for payment of these fines. They have also another rolment of court wherein by warrant from their Lordships they have fined a number more, whose fines "can hardlie be uplifted without the assistance of numbers of men. And whereas there is a captan and threescore men putt furth by commission flowing from the Parliament for pursuite and apprehension of brokin men and sorners and thair ressetters, whois concurrence with the messinger may conduce much for uplifting of the saids fynes," they crave their Lordships to grant warrant for directing letters for the uplifting of these fines, and to the said captain for uplifting the same, and putting in execution all former commissions granted by the Council against rebels, fugitives and other criminals. The Lords grant warrant as craved, and recommend to the commissioners established for repressing the disorders of the country to grant the like warrant to the said captain.

Edinburgh, 16th June 1642.

Sederunt:—Chancellor; Argyl; Kingorne; Lauderdail; Southesk; Angus; Sinclar; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Master of Requests; Sir Robert Gordon; Provost of Edinburgh. Acta, November 1641–October 1646. Fol. 46, b.

Letter to his Majesty anent Sir James Galloway's claim to the Secretaryship. See *ante*, p. 269.

"Haveing perused your Majesties tua letters of the 15th of Apryle and 16 of May exhibit unto us be Sir James Gallouay, Master of Requests, quhilks he declared were all written with his awne hand, tuicheing his claime to the office of Secretarie, and findeing him still to continow his unwarranted cariage of usurpeing and exerceing the title and charge of that office and of troubling your Majestie with informations to that purpose, contrare to our particular admonitions to himselfe and our humble advyce sent be his knawledge to your Majestie, doing thairby what in him lyis to violat these acts of Parliament so solemnlie made be your Majestie and your Estates for satisfaction of your good subjects, as wee have, out of the duetie of faithfull counsellers, remitted the bussines Fol. 47, a.

Acta, November 1641–October 1646. Fol. 47, a.

it selfe and the censure thairof to the consideration of your Majestie and the Estats in the nixt ensueing Parliament, dischargeing the said Sir James in the interim to medle further thairin, so wee most humblie beg that your Majestie may be pleased, out of your accustomed goodnes and justice to take suche course heirin, as nather your Majesties auctoritie may suffer be informations of this kynde, nor occasion of jealousie given to your subjects of infringeing the acts of Parliament, quhilks wee are confident your Majestie will inviolablie observe. Lykeas wee sall ever be reddie to prevent the saids jealousies, and to the utmost of our power sall in everie thing studie to approve our selfes worthie of that trust your Majestie and the Estates hath reposed in us your Majesties most faithful and humble servants. 16 Junij, 1642."

Protestation by Sir James Galloway.

"The quhilk day in presence of the Lords of Secret Councell compeired personally Sir James Gallouay, Master of Requests, and produced and exhibit the protestation underwritten, all written and subscribit with his awne hand, and askit instruments upon the production thairof; of the quhilk protestation the tenor followis:—To the right honourabill the Lords of his Majesties Privie Counsel, humblie representeth I, Sir James Gallouay, that quhairas by his Majesties special command I did exhibit to your Lordships tua letters frome his Majestie of the dates at Yorke 15 of Apryle and 16 of May last past in answer of tuo of your Lordships letters to his Majestie concerning the joynt secretaries, and withall, according to his Majesties command, mentioned in the last of his Majesties saids letters, did offer to produce the acts of Parliament and Councel, and instruct the practise of his Majestie and his father of happie memorie, not onelie in the secretariell bot other officers of the estate, for satisfaction to your Lordships in the contents of the saids letters, which your Lordships upon consideration thought not fitt to receave, bot have remitted the censure of my proceedings to the nixt Parliament, and in the meane tyme discharged me of the title and exerceing of the said office;—thairfore I protest that your Lordships proceedings heerin do not prejudge me of my right and possession in the meane tyme, since his Majestie doth acknawledge the same in the saids letters, and that it is compatible with the act of Parliament, quhairby onelie a secretarie, officer of state, is nominat, bot his Majestie nowayes prejudgit thairby in this right of continueing a conjunct secretarie, as his father of blessed memorie and himselfe have formerlie done; and humblie desyrs that this same may be recordit in the books of Councell, and to have the extract under the clerks hand. *Subscribitur*, Ja. Gallouay. Quhilk being red and considerit be the saids Lords, they notwithstanding thairof adhere to thair former act made heiranent of the 14th Junij instant, and ordans the said protestation to be kept and presented to the nixt Parliament, as ane agravation of the said Sir James his pertinacious cariage in usurpeing the title and office of Secretarie contrarie to the late acts of Parliament."

Fol. 47, b.

Appeal by Sir James Galloway to the

"The quhilk day in presence of the Lords of Secret Counsell compeired personallie Sir James Gallouay, Maister of Requests, and desyred

Lord Advocate to support his right to the secretaryship refused.

the Lord Advocate that, conforme to the duetie of his office, he would concurre and joyne with him in meanteaning his right to the office of Secretarie given to him be his Majestie under the great seale, and his Majesties priviledge and auctoritie of appoynting a joynt secretarie. To the quhilk the said Lord Advocat answered that he had a letter frome his Majestie to the effect forsaid, and did produce the same, and declared that before the late act of Parliament he might lawfullie plead for his Majesties priviledge and practise of placeing of joynt secretaries, bot since his Majestie and Estates in the last Parliament had appoynted one Secretarie and that the Lords of Privie Counsell, be thair act of the 14th of this instant, hes fund that the said Sir James his usurpeing of the office of Secretarie is a wrong done in prejudice of the late act of Parliament, the Lord Advocat declared he could not oppone nor protest anie thing aganis the saids acts of Parliament and Councel."

Acts, November 1641-October 1646. Fol. 47, b.

Edinburgh, 16th June 1642.

[Sederunt as recorded above, omitting the Provost of Edinburgh and adding Wauchton.]

Decreta, November 1641-October 1646. P. 75.

Supplication by Mr. William Lumsden, advocate in Aberdeen, for prolongation of the period assigned to him to resolve his religious doubts.

Supplication by Mr William Lumsden, advocate in Aberdene, as follows: —In obedience to their Lordships' ordinance of 3rd March last he addressed himself with diligence to the burgh of Aberdene for conference with the ministers there for resolution of his religious scruples; and, because the presbytery of Aberdene did not meet till after the Synod which was held on , he went to his own minister, Mr William Strauchane, minister at Old Aberdene, and had conference with him till the meeting of the Assembly, "and then preferred his petition to thame desiring that in regard he wes most summarlie excommunicat in the verie time that he wes under conference with Doctor Guild, and so not in the case of a contumacious person, that the said Assemblie would select some of thair number to resolve him of his doubts in religioun, quhilks being satisfied, he wes and still is most willing to conforme; and his desire wes referred be the Assemblie to the presbyterie when it sould first meit. And in the meane time he continued still in conference with his minister, who did witnesse the same to the presbyterie, by whois order Mr Johne Forbes of Cors wes adjoynned to him, and he wes ordained to attend thame for further conference. But in regard the said Mr William wes bussied in examinning his parochiners for the Communion, the supplicant conld have no conference but once in the week, and during this time gott resolution in some particulars." The day of his compearance approaching, he was meanwhile forced to come hither, yet their Lordships may perceive that he "would gladelie doe that duetie which is incumbent to him in a mater of so high concernement as the weale of his soule," and he therefore craves a prolongation of the time. The Lords, after hearing Mr David Lindsey, minister at Belhelveis, commissioner for the province of Aberdene, relieve the supplicant and his cautioner of their former act of caution and of all

P. 76.

Decreta, November 1641-October 1646. P. 76.

danger from the caption executed against him until 1st August next because Thomas Lumsden of Pittello has become cautioner for the supplicant that he will either conform before then and produce a certificate from the presbytery of Aberdene to that effect, or else he will leave the kingdom and not return without a license from their Lordships under the penalty of £2000.

Sederunts, February 1635-November 1646. Fol. 92, b.

Sederunt:—Chancell^{r}; General; Argyle; Morton; Dumfermline; Kingorne; Lauderdail; Southesk; Angus; Sinclar; Burley; Clerk Register; Advocate; Treasurer Depute; Sir Robert Gordon; Provost of Edinburgh. Edinburgh, 20th June 1642.

Scarcity of arms and victual in Ireland.

"A letter to the Commissioners anent the scarstie of money and victual in the armies in Ireland."

Anent the transport of meal to Ireland.

"The Lords gives commission to the Earles of Lauderdail and Southesk, Lord Burley, to call unto thame the Lord Corstorphin, the Lord Humbie or anie others they thinke fitting, and to consult upon the speediest and surest way of furnisheing and transporting bolls of meale for the use of the armie in Ireland and to report."

Acta, November 1641-October 1646. Fol. 47, b.

Sederunt: — Chancellor; General; Argyl; Morton; Glencairne; Murray; Dunferline; Kingorne; Lauderdail; Lanerick; Sinclar; Elphinston; Yester; Burley; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir Robert Gordon; Wauchton; Provost of Edinburgh. Edinburgh, 21st June 1642.

Letter from his Majesty anent the General's commission.

"The quhilk day the Lord Chancellor produced and exhibit before the Lords of Privie Councel the missive letter underwritten signed be the King's Majestie and direct to the saids Lords, quhilk being red, hard and considerit be the saids Lords, and they weele advysed thairwith, they have ordand and ordans the same to be insert and registrat in the books of Privie Councel, thairin to remaine *ad futuram rei memoriam*, of the quhilk letter the tenor followis:—CHARLES R.—Right trustie and right weilbeloved cousins and counsellers, right trustie and weilbeloved counsellers, wee greet yow weele. Wee were in good hope those reasons wee gave to the Lord Chancellor at his late being with us concerning the Generall Commission would have given so good satisfaction tuicheing the continowance of the same that yee would have rested satisfied thairwith, bot since wee find that yow desyre something under our hand in that particular, wee thinke fit to assure yow that, when wee sall revoke that commission, wee will doe it upon so serious deliberation and so good grounds that wee are verie confident that yow, our Counsel of Scotland, wilbe verie weele satisfied thairwith, being resolved to acquaint yow with anie suche intention of ours before wee sall putt the same into act. Given at our Court at Yorke, the 15 of June, 1642."

Letter from his Majesty anent the Earl of Antrim, now a prisoner in Ireland.

"The quhilk day the missive letter underwritten, signed be the King's Majestie and direct to the Lords of Privie Counsell, wes presented and red in thair audience, quhairof the tenor followis:—CHARLES R.—Right trustie and weilbeloved cousen and counsellers, right trustie and weilbeloved counsellers, wee greet yow weele. Wee are verie weele pleased to heare by yours of the tent of June the good successe that our Scots subjects under the command of General Major Monro have against the rebells in Ireland. As concerning the Earle of Antrim, when wee sall know the presumptions whiche have caused him to be taken as prisoner and his castles and forts seased on, wee sall then signifie our pleasure concerning him; for, as wee sall be sorie that a person, who hath beene so muche oblidged to us as he is, sould turn rebell, so wee sould be glad to understand that he and all suche that are (as he is presoomed to be) sould be made sure frome doing anie more harme, and so wee expect ane particular and speedie accompt of the presumptions aganis the said Earle. Given at our Court at Yorke, the 15 of June, 1642." Acta, November 1641-October 1646. Fol. 48, a.

Patrick Stuart to be tried for incest.

"The Lords of Secret Counsell ordans and commands his Majesties Advocat to persew with diligence Patrick Stuart criminallie to the death before the Justice for the cryme of incest, alledgit committed be him with Sinclar, his wyffes daughter, quhairanent thir presents sall be his warrand."

Edinburgh, 21st June 1642.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 76.

Complaint by James, Earl of Callander, against the Presbytery of Linlithgow for refusing to admit Mr. John Bruce to the charge of the kirk of Muiravonside.

Complaint by James, Earl of Callander, patron of the kirk of Morvingside in the presbytery of Linlithgow, as follows:—He recently granted to Mr John Bruce a presentation to the said kirk, and at the provincial assembly held in November last order was given to several ministers and ruling elders of the Synod with the presbytery of Linlithgow to test the qualifications of the said Mr John, which was done at Linlithgow on 29th December last; whereupon the said Mr John obtained his act of approbation, which was presented to the Synod of Lothian at Dalkeith on 4th May last and approven by them, and the presbytery of Linlithgow ordained to admit the said Mr John to the ministry of the said kirk. In terms hereof Mr John Galbraith, minister at Bothkennar, as procurator for the said Earl, went to the said presbytery and desired them to admit the said Mr John, but they refused to do so, as an instrument taken thereupon shows. In cases of this nature, when the admission was in the power of the bishops, the Council ordinarily directed a charge against the bishop to do his duty, but, seeing this prerogative now belongs to the presbytery, the complainer is compelled to have recourse to the Council for redress. Charge having been given to Mr Andrew Keir, moderator of the presbyterie of Linlithgow, for himself and in name of the remanent brethren thereof, to have appeared by one or two of their number instructed for the rest, and the pursuer compearing by Mr John Bruce, his procurator, and the defenders by P. 77.

Decreta, November 1641-October 1646. P. 77.

Mr Andrew Keir, minister at Caribdin, moderator, and Mr James Simsone, minister at Bathgate, the Lords after hearing parties, in respect of the Act of Synod abovementioned, ordain letters to be directed charging the moderator and brethren of the said presbytery to admit the said Mr John Bruce to the ministry at the said kirk under pain of horning.

P. 78.

Complaint by Robert Irving now of Lenturk, heritable proprietor of the lands of Wester Beltie, against Mr. Robert Gordon of Straloch and others for violently seeking to dispossess the complainer of the said lands.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Robert Irwing, now of Lenturk, heretable proprietor of the lands of Wester Beltie, with Sir Alexander Irwing of Drum, as superior thereof, as follows:—The bearing and wearing of hagbuts and pistols and convocation of the lieges in arms is strictly prohibited, yet when as the said Robert Irwing was duly infeft in the said lands and pertinents thereof as heir male of the deceased Alexander Irwing of Lenturk, his father's brother's son, and lawfully possessed them after his death by dwelling in the manor place thereof and tilling and labouring the ground, Mr Robert Gordoun of Straloch, resolving to dispossess the complainer and possess himself in the same, took advantage of the late troubles, and on June last he, his eldest son John, and Mr William, Alexander and Hew Gordoun, also his sons, accompanied by sixteen or eighteen persons armed with guns, muskets, pistols and other forbidden weapons, all at the instigation of the said Mr Robert came to the complainer's manor place of Wester Beltie early in the morning, broke up the doors, took possession thereof, and still keep possession with soldiers and warlike provision as a house of war, and they oppress and injure the tenants, designing to lay the lands waste. Charge having been given to the said Mr Robert and his said sons, who all compeared, as also did the Advocate and the said Robert Irwing, the Lords after

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hearing parties and certain witnesses, who failed to prove the points of libel, assoilzie the defenders.

Supplication by John M'Clellan, innkeeper in Portpatrick, who is in distress, for a note of recommendation to the charity of the lieges.

Supplication by John M'Clellane, indweller at Portpatrik, as follows:—He had "built and repaired ane great large inns at Portpatrik for receaving his Majesteis lieges resorting to and fra Ireland wherein he would receave three score hors and foot at once, and having furnished the same sufficiently with wynes and all other kynd of furniture, on a night, he being absent frome home, the samine took fire, and being a violent storme of wind, burnt up his saids inns, haill furniture, provision and plenishing to his utter ruine and overthrow." Of this he has a testificate from the minister and whole gentlemen of the place. He then borrowed money and rebuilt the inn, trusting thereby to make up his losses, but owing to the late troubles there has been "no repaire nor change there, whereby he is altogether impoverished and not able to pay his debts without helpe and support." He craves a charitable note of recommendation from their Lordships. This the Lords grant, recommending the supplicant to all noblemen, barons and gentlemen, magistrates of burghs, synods, presbyteries and sessions of kirks on the north side of the Forth for such a proportion of their benevolence as in their

christian judgments they shall think fitting. The recommendation is to endure for one year. Decreta, November 1641-October 1646. P. 80.

Supplication by Sir Robert Innes of that Ilk and others for a special court to try certain outlaws, now in ward in the Tolbooth of Elgin.

Supplication by Sir Robert Innes of that Ilk, Sir James Fraser of , Sir William Forbes of Craigievar, and John Grant of Moynes, commissioners appointed by their Lordships by order of parliament for repressing the disorders in the north, as follows:—They have sent William McLauchlane with three score men to apprehend the broken men and sorners of whom they have given him a list, and he has apprehended Alaster McAgie, James and Patrick Gedless, and some others who are prisoners in the tolbooth of Elgin, but that place being very insecure, several prisoners have escaped from it of late, and they are forced to keep a strong guard over them at night at great cost. As the next court of the commissioners is not till 10th August they crave commission for a special court, and the Lords grant their commission to James, Earl of Murray, Sir Robert Innes of that Ilk, Sutherland of Duffus, Dumbar, Sheriff of Murray, Sheriff of Nairne, Thomas McKeinyie of Pluscardine, James Grant of that Ilk, John Grant of Moynes, Hew Ros of Kilraack and Alexander Brodie of Lethame, to hold courts where and when they please and do justice upon the said criminals.

Edinburgh, 23rd June 1642.

Sederunt:—Chancellor; General; Argyl; Glencairne; Kingorne; Southesk; Lanerick; Angus; Yester; Sinclar; Burley; Clerk Register; Treasurer Depute; Sir Robert Gordon; Wauchton; Dundas. Acta, November 1641-October 1646. Fol. 48, a.

Order to the Lord Advocate to try Thomas M'Kie, who has returned from banishment without licence.

"The Lords of Secret Counsel ordans and commands Sir Thomas Hope of Craighal, his Majesties Advocat, to persew criminallie to the death Thomas McKie, prisoner in the tolbuith of Edinburgh, for contraveening his act of banishment quhairby he wes banished the kingdome for falsett, and not to returne againe within the same under the paine of death, for doing quhairof thir presents salbe to the said Lord Advocat ane warrand."

Soldiers serving in Ireland charged not to desert their colours and return to Scotland without a licence under pain of death.

"Forsameikle as there hes beene diverse acts and proclamations made and publisht heirtofore dischargeing all the souldiours of these regiments leveyed for suppressing the rebellion in Ireland to disband or leave thair cullors, bot to goe on and follow out that service under the paine of death, notwithstanding quhairof the Lords of Privie Counsell are informed that diverse of the saids souldiours, haveing gone with thair commanders to Ireland, doe now steal away frome the rest of the armie, leave thair cullors and, without anie warrand, come home to this countrey to the great prejudice of his Majesties service and discredit of the nation; for remeid quhairof in tyme comeing the Lords ordans letters to be direct to command, charge and inhibit all souldiours of the said armie be opin proclamation at the mercat croces of the burrowis on Fol. 48, b.

Acta, November 1641–October 1646. Fol. 48, b.

the sea coast toward Ireland, that nane of thame presoome nor take upon hand to disband, leave thair cullors and flee home to this countrey without a lawful passe under the said paine of death; and als to command and charge all magistrats of the saids burrowis on the coast syde and all shireffs, justices of peace and others his Majesties judges ot burgh and land to apprehend and committ to prison all suche persons as they sall find in thair bounds comeing frome the armie in Ireland without a lauful passe, as said is, and to keepe thame in prison till order be given for sending thame back to Ireland to ressave thair dew punishment, and this the magistrats and others forsaids fail not to doe, as they will be answerable."

Warrant to Colonel Fullerton for levying of 500 men to serve under the King of France.

"The Lords of Secret Counsel, be vertew of ane warrand in writ signed be the Kings Majestie and this day presented unto thame, gives commission be thir presents to Colonel Johne Fullerton to levey and take up within this kingdome fyve hundreth men, and to transport thame to France for the service of the Frensh King, with power to the said colonel for this effect to caus touche drummes, display cullors and to doe all and everie other thing with als ample priviledges and power for the speedie leveying and transporting of the said nomber of men as heirtofore hath beene granted to anie in the lyke caise; chargeing heirby all our soverane Lords judges, officers and magistrats and all others his Majesties subjects to burgh and land to concurre and assist the said colonel in the leveying and transporting the said fyve hundreth men, and that they nor nane of thame make anie trouble to him thairin, as they will answer on the contrare at thair perrel, he alwayes giveing suche satisfaction to everie one of the said nomber as sall be agreed upon betuix him and thame. Followis his Majesties letter for warrand [of the] act forsaid, bot in respect of the other leveyis for his Majesties service the nomber was restricted to 500:—CHARLES R.—Right trustie and weilbeloved cousin and counseller, etc. Haveing formerlie upon good considerations granted a levey of tuo thousand men for the service of our deare brother, the Frensh King, to be uplifted within that our kingdome be Colonel Johne Fullerton, whiche, be reason of the general restraint of leveyis condiscendit upon be us and our Parliament, he could not as yit effectuat, it is thairfore againe our pleasure (the tyme of the said restraint being now expyred) that to this purpose yow give a warrand with all the conveniencie may be unto the said Colonel John Fullerton, with als ample and beneficiall commission and priviledges both for the speedie leveying and transporting of the said tua thousand men for the service forsaid, as heirtofore hath beene granted to anie in the lyke kynde, he alwayes giveing satisfaction to everie one of that nomber as sall be agreed upon betuix him and thame according to the custome in the lyke caises; and to that effect that yow give suche order as sall be fund requisit, for doing quhairof these sall be unto yow sufficient warrand. Wee bid yow fareweele. Frome our Court at Yorke, the 7 of Apryle, 1642."

Fol. 49, a.

Act charging the lieges to assist James Stuart of Ardvorlich and William M'Intosh of Kyllachie, who are commissioned to apprehend Highland outlaws.

"Forsameikle as for the better execution of the commission granted be the Lords of Privie Counsell be order frome the late Parliament for repressing the disorders in the Hielands, James Stuart of Ardvorlich and William M°Intoshe of Kyllachie are appoynted be the commissioners nominat be the saids Lords to be captans for imbringing the rebells and others criminals, and the saids Lords, finding it verie requisit that the saids captans have all due aid and assistance in these parts of the countrey whither the necessitie of thair service sall draw thame, thairfore the Lords of Privie Counsell ordans letters to be direct chargeing all and sindrie his Majesties leiges and subjects of what estate, ranke and qualitie soever they be, to ryse, concurre, fortifie and assist, reverence, acknawledge and obey the saids captans, and either of thame, in all and everie thing tending to the furtherance of the execution of thair service, and to doe nor attempt nothing to the hinder nor prejudice thairof under the paine to be called, persued and punished with all rigor and severitie as enemies to the peace of the countrey and disappoynters of his Majesties service. Lykeas the saids Lords declars that if anie of the clans, freinds or assisters of suche persons as the captans sall be warrand persew dureing the tyme of the commission doe at anie tyme heirafter resent the same and doe anie injurie thairfore to the saids captans or anie of thair companies or thair assisters, the Lords after tryell tane thairof will esteeme and punish the same as done in contempt of the supreeme auctoritie." Acts, November 1641–October 1646. Fol. 49, a.

Contract between the Council and the Marquis of Argyle for the transport of 1000 bolls of meal to the army in Ireland.

"The quhilk day the contract underwritten for furnisheing and transporting ane thousand bolls of meale to the Scots armie in Ireland wes agreed unto and subscryved, quhairof the tenor followeth:—At Edinburgh, the 23 day of Junij, 1642, it is appoynted and agreed betuix the Lords of Privie Counsell under subscryveing, on the ane part, and Archibald, Marques of Argyle, on the other part, in maner following, that is to say,—The said Marques hes undertane and undertaks to furnish a thousand bolls aitmeal, and to delyver the same upon his awne charges and expensis at Knockfergus in Ireland for the use of the Scots armie thair, with all convenient diligence; quhairunto the said Marques binds and oblishes him, his aires, executors and successors, the Lords of Privie Counsell bearing the risk and hazard of the sea. For quhilk caus the saids Lords binds and obleisis thame, conjunctlie and severallie, to content and pay to Archibald, Marques of Argyle, his aires, executors or assignayes, the soume of ten thousand punds good and usual money of Scotland betuix the date heirof and the 15 day of August nixtocome, but longer delay, and the saids Lords of Privie Counsell bind and obleidge thame and thair aires, and ilk ane of thame to releive others *pro rata* of the said soume and of all burden and skaith they may incurre thairthrow; and both parties consents thir presents be insert and registrat in the books of Privie Counsell that letters of horning on six dayes and other execution may pas thairupon in forme as effeires, and for this effect constituts, etc., thair procurators. In witnes quhairof Fol. 49, b.

Acta, November 1641–October 1646. Fol. 49, b.

thir presents, written be Mr John Callander, servitor to Archibald Primerose, clerke to the Privie Counsell, both parties have subscribed day, yeere, and place forsaid, befoir thir witness, the saids Archibald Primerose and Mr John Callander. *Subscribitur*, Loudon, Canr; Leven; Argyl; Glencairne; Southesk; Lanerick; Angus; Yester; Sinclar; Burley; J. Carmichael; Thomas Hop; J. Hamilton; Sir Ro. Gordon; Dundas.

Decreta, November 1641-October 1646. P. 81.

[Sederunt as recorded above.]

Edinburgh, 23rd June 1642.

Complaint by Mr. Robert Tran, minister at Eglisham, against Robert Withrow and others for violently preventing the complainer from holding church services.

Complaint by Mr Robert Tran, minister at Eglisham, and the moderator and presbytery of Glasgow for their interest, as follows:—"The said Mr Robert hes been heavilie troubled and greatlie disheartned in the exercise of his charge this long while bygane by the sinistrous practises of some ill affected persons who stirred up one Robert Withrow, his parochiner, to accuse him maliciouslie before the said presbyterie, where his innocencie being cleered and the said Robert brought under censure as a slanderer, and for his contumacie to obey the order of satisfaction prescribed be the presbyterie, being at the point of excommunication, the compleanner expected for some greater contentment in the exercise of his calling, but is much disappointed therein. For upon the 15 day of May last, being the Lords day, when as he came to his kirk to preach, the persons underwritten, they ar to say, Agnes Dunlop, spous to the said Robert, Johne Arneill, wobster, Robert and William Clydes, Alexander Davidsone, Johne Patersone, Andro Patersone, his sone, Robert and David Patersons, Robert Or, William Andersone, Agnes Mader, James and Andro Youngs, Johne Bryson, Agnes Arneill and Jonet Bryson, by the instigation of the said Robert, closed the kirk doores upon the compleanner and violentlie hurled him away by the shoulders so as he wes forced to preach in the kirkyaird. With which affront he comported at this time and came upon the Lords day thereafter, the 22 of May, to the said kirk, but found the lockes tane aff the kirk doores and new lockes putt on the same and neidnailled, so as he could gett no entrie at anie of the kirk doores. Whereupon he entered to divine service in the kirkyaird, began the prayer, sang a psalme, and being entering to the secund prayer, the persons following, viz.—James Young in Ardoch, William Andersone there, Robert Clyd in Hiecraig, William Clyd, his brother, Robert and David Patersons, Robert Or in Thriepland, and Johne Arneill in Hiecraig, came fiercelie upon him and hurled him away, and would nather suffer him to preach there nor in his awne hous, to the great contempt of auctoritie, offence of God, prejudice of the compleanners parochiners and scandall of the Kirk, without remeid be provided." Charge having been given to the persons named, and there compearing the said Mr Robert Tran personally, and for the presbytery Mr Edward Wright, minister at Glasgow, Mr Gawin Forsyth, minister at Cathcart, and Mr William Wilkie, minister at

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Govane, on the one part, and, on the other, the said Robert Withrow, Robert Arneill, Robert and William Clyd, John Paterson, Robert and David Patersone, William Andersone, and James and Andrew Young, who all confessed the riot libelled, the Lords find that the said defenders have "committed a verie great ryot and insolence upon the said Mr Robert Tran of dangerous consequence," and ordain them to be warded within the tolbooth of Edinburgh until their Lordships release them. The other defenders who failed to compear, viz., Agnes Dunlop, Andrew Patersone, Robert Or, Agnes Mader, John Brysoun, Agnes and John Arneill and Janet Bryson, the Lords ordain to be put to the horn and escheated. They also modify as the witnesses' expenses, £3 to every horseman and 40s. to every footman, to be paid by the defenders.

Decreta, November 1641-October 1646. P. 82.

Commissioners of the Justice Courts.

"A proclamation for concurrence with the Commissioners of the Justice Courts."

Sederunts, February 1635-November 1643. Fol. 93, a. Acta, November 1641-October 1646. Fol. 49, b.

Edinburgh, 28th June 1642.

Sederunt:—Chancellor; Leven; Argyl; Glencairne; Southesk; Lanerik; Angus; Elphinston; Burley; Justice Clerk; Sir Robert Gordon.

Act prohibiting the carrying of hagbuts and pistols, which, contrary to law, is now common.

"Forsameikle as thair be manie good acts of Parliament, Convention and Secret Councell made and publist heirtofore aganis the bearing and wearing of hacquebuts and pistolets under diverse paines mentioned and conteand in the saids acts, notwithstanding quhairof that contempt and breach of the law is now become als frequent and comon as it wes in anie tyme preceeding, and it is come to that [that] undutifull and lawlesse persons are not affrayed to repaire publictlie and avowedlie in all parts of the countrey with hacquebuts and pistolets, awaiting the occasions to executt thair wicked designes, to the heich and proud contempt of his Majesties auctoritie and lawis. Thairfore, and for preventing thairof in tyme comeing, the Lords of Privie Counsel ordans letters to be direct to command, charge and inhibit all his Majesteis leiges and subjects that nane of thame presoome nor take upon hand to beare nor weare hacquebuts nor pistolets in anie part of this kingdome in tyme comeing, under the paines conteaned in the acts of Parliament formerlie made thairanent, certifieing thame that dois in the contrare the saids paines sall be executte upon thame without favour."

Edinburgh, 28th June 1642.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 82.

Complaint by George Hamilton in Westland and others against Patrick Hamilton in Colcreoch and others for assault on their persons and goods.

Complaint by George Hamilton in Westland, William Hamilton of Garrive, William Reid in Craigdarroch, Rebeeca Hendersone, spouse to Mr John Charters, minister at Currie, and Mause Hendersone, widow of Mr Henrie Charters, W. S., heritor of the lands of Craigdarroch, and the said Mr John for his interest, as follows:—The said Mause and Rebecca Henderson possess the said lands heritably by good and sufficient rights, and the said George Hamilton is their tenant, who by himself and the

Decreta, November 1641-October 1646. P. 83.

said William Reid, his son, has been in peaceful possession thereof this long time, till now that on 7th June instant Patrick Hamilton in Colcreoch, Bessie Dumbar, his spouse, William Hamilton, his brother, , his wife, Margaret Hamilton, sister to the said Patrick, John Dumbar, son to Patrick Dumbar of Penkley, Andrew Hamilton, son to John Hamilton of Hillend, John Campbell in Eshmark, and Grissell Andersone in Knockshinnoch, with several others, armed with swords and staves, "came to the saids lands of Craigdarroch, brought with thame the household plenishing of the said Patrick Hamilton, forciblie entered within the same and placed the said plenishing there, patt on sixteene heid of nolt upoun the grisse roumes of the saids lands. And upon the tenth day of the same moneth the saids Patrik and William Hamiltons and thair wyffes, the said Margaret Hamilton and Grissell Andersone, Eufame Campbell in Eshmark, Helen Dumbar spous to Andrew McNacht in Cumnock Mayns, Jeane Dumbar, spous to Connell Wilsone in Lochbrowing, Sara Campbell, spous to William Kirkwood in Over Garrive, Jeane Campbell in Boutfoot, Bessie Hamilton, daughter to Johne Hamilton in Blackcraig (the saids weomen being all hounded out be their husbands), all boddin with swords, rungs, pitch forks and others weapons invasive, came to the said William Reids hous in Craigdarroch, entered within the same, brake and abused his haill plenishing, kuist the same to the doore, strake, hurt and wounded the said Williame and his wife, thrust thame out of thair houses, tooke the said Patrik Hamiltons plenishing out of the hous they had putt in the day before and sett it in the said William Reids hous, hounded out thair dogges at the compleaners bestiall being upon the ground, wirried a number of thair sheepe, cruellie birsed and bruised thair nolt with rungs and scattered thame so as they could not find the same agane. And, when as upon the morne the said George Hamilton and the said William Hamilton of Garrive and William McKall, his servant, came to thair awne lands and desired thir persons to suffer thame peaceablie to possess thair houses and roumes, the said Bessie Dumbar strake the said William Hamilton twice upon the head with a rung, then drew a knife and strake him in at the hersche. And when the said William McKall preast to take the knife from her she bait him and wounded him with the knife to the effusion of his blood, so as the said George Hamiltoun wes forced to retire to his dwelling of Westland three myles distant from his pos-

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session of Craigdarroch." Charge having been given to the said William Hamilton, Helen Dumbar, Grissell Anderson, Eufame Campbell, Sara Campbell, Jean Campbell, Patrick Hamiltoun, Bessie Dumbar, Margaret Hamiltoun, John Dumbar, son of Patrick Dumbar of Penclay, Andrew Hamiltoun, John Campbell in Eshmark and Jean Dumbar, none of whom compeared, but the said George and William Hamilton compearing personally and the said Mr John Charters also compearing for himself and the other pursuers, the Lords ordain the defenders to be put to the horn and escheated.

Complaint by Mr. William Forbes, minister of Mortlach, against Alaster Cumming of Pettiwaich and others for assaulting his ploughman and taking possession of his land.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Mr William Forbes, minister at Murthlack, as follows:—The carrying of hagbuts and pistols and convocation of the lieges is straitly prohibited by law, yet, "upon the 15 day of Marche last, the said Mr William, having caused charge Alaster Cuming of Pettiwaich to remove from twa crofts of his gleib land be vertew of letters proceeding upon a designation of the presbyterie, and coming with ane pleuche to have laboured the same, the said Alaster convocat Patrik Grant, sone to Swyne Grant, Alexander Kemp, William and Patrik McMuncatters, Walter Robertsone, Johne Grant, George Thomsoun, servants to the said Alaster, Marion Cuming, his spous, Katharine Ray, Margaret Gordoun, Beatrix McPhatrik, with a number of brokin men, boddin with swords, gwnnes and others weapons invasive, and with the saids persons pursued the compleanners plewmen and his oxin with stones, swords and gwnnes, quhairwith they held thame aff and forced thame to retire, and wounded Agnes Andersone, spous to John Rattray in Murthlack, to the effusion of her blood; and thereafter the said Alaster, fortified with his saids complices, laboured the saids lands himselfe; quhilk is a proud and avowed contempt of the law and deserves exemplarie punishment." Charge having been given to these persons, and the pursuers compearing personally but not the defenders, the Lords after hearing the pursuer's witnesses find "that the said Alaster Cuming, accompanied with the remanent defenders and convocation of his Majesteis lieges to the number of 24 persons, men and weomen or thereby, boddin with swords and others weapons, sett upon the said pursuers plewmen and wounded the said Agnes Andersone with stones to the effusion of her blood, railed upon the minister and would not suffer his servants to teill his gleib lands; and that the said Patrik Grant had a sword, targe and hacquebut." For which great insolence the Lords ordain them to be charged to enter in ward within the tolbooth of Edinburgh within fifteen days on pain of rebellion. And they modify twenty merks of expenses to each of the witnesses to be paid by the producer.

Decreta, November 1641-October 1646. P. 84. P. 85.

Apprehension of Jesuits.

"The Lords appoynts Glencairne, Burley, and Sir Robert Gordon, to wait the morne and draw a roll of the commissioners for taking of Jesuits."

Sederunts, February 1635-November 1643. Fol. 93, a.

Edinburgh, 30th June 1642.

Sederunt:—Chancellor; General; Argyl; Glencairne; Lauderdail; Southesk; Lanerick; Sinclar; Elphinston; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir Robert Gordon.

Acta, November 1641-October 1646. Fol. 49, b.

Proclamation prohibiting the sale of powder and lead in the Highlands except to such as have licence to buy the same.

"Forsameikle as thair is commission granted to the Lords of Privie Counsel be warrant of the Parliament for suppressing the disorders in the Hielands, and thair are tua captans appoynted for imbringing and persute of theeves, rebells and other criminalls by whome the peace of the countrey is disturbed, whiche persons are the more encouraged and strenthened to stand out and oppose the saids captans in regard of the

Acta, November 1641–October 1646. Fol. 50, a.

supplee and free use and benefit they have of poulder and leid, whiche they buy frome chopmen and others persons, travellers in the countrey, who care not to make thair unhonest advantages of this kynd aganis the law, by the confort and releiffe of rebells and limmars, to the great prejudice of his Majesties service and of his good subjects, thairfore the Lords of Secret Counsell ordans letters to be direct chargeing officers of armes to pas to the mercat croces of the heid burrowis of the ten shirefdomes, within the whiche the saids commissioners power lyis, and there be opin proclamation to command, charge and inhibit all and sindrie his Majesties leiges and subjects that none of thame presoome nor take upon hand to sell powlder or leid to anie persons quhatsomever without burgh, bot to noblemen, landit gentlemen, and other persons haveing thair warrand, for whome thair maisters sall be answerable, under the paine of tinsell of the thrid part of thair moveables, and further punishment of thair persons, as the saids Lords sall find the consequence of the fault to deserve."

Protest by the Marquis of Argyle and others in connection with their subscription of the General's commission.

"The quhilk day Archibald, Marques of Argyl, William, Earle of Glencairne, John, Erle of Lauderdail, John, Lord Sinclar, Robert, Lord Burghlie, and Sir John Hamilton of Orbeston, Justice Clerk, declared that thair subscryveing the generalls commission doth nowayes import thair consent to that claus thairof, quhairin the Councell's consent is omitted, in the power of recalling the commission, since be act of Parliament it is remitted to the Councell what assistance this kingdome sall give to England for suppressing the rebellion of Ireland, and that thairfore they conceave the Councell's consent sould have beene particularlie insert in the power of recalling the commission as in the rest of the articles of the commission. And heirupon askit instruments."

Payment of the General of the Artillery.

"The Lords of Privie Councel recommends to the Commissioners for the Common Burdens to caus advance to the General of the Artellierie some considerable part of what is justlie owing him be the publict in respect he hes undertaken presentlie to transport the artellierie upon his awne charges. And the Lords declars they will concurre to sie him repayed be the Parliament of England of what he sall depurse heirin, and doe acknawledge this his undertaking to be a real testimonie of his affection to the service and deserveing thanks."

The contribution to Irish refugees.

"The Lords of Privie Counsell ordans the collectors of the Irish contribution to caus executt the charges for imbringing of the same, and declars that the expensis given out for executting thir letters sall be allowed to the collectors out of the first and reddiest of the collections."

Decreta, November, 1641–October 1646. P. 86.

[Sederunt as recorded above.]

Edinburgh, 30th June 1642.

Complaint by Robert Hay of Strowie and his sons against Robert and George Coven-

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Robert Hay of Strowie, and Francis and Robert Hay, his sons, parties grieved, as follows:—Robert and George Coventrie in Filde, and George Fothringhame, their servant, were warded by their Lordships for

trie for refusing to remove from certain lands near the complainer's dwelling in contempt of the Council's order.

the cruel wounding of the said Robert Hay and his said sons, but were released on 20th January last upon enacting themselves to remove at Whitsunday last from the lands of Filde where they then dwelt and not to take any lands nor dwell within four miles of the complainers dwelling, and that they would not molest them nor their tenants under the penalty of 500 merks. Yet, "not onlie doe the saids persons dwell upon the saids lands and nather have nor intend to remove therefra, but in a braving way comes daylie by the compleanners doores of purpose to irritat and provoke thame to fall in blood with thame, vowes and threattens to putt a paire of bulletts in the said Robert, or ellis to kill thame before they remove; and for this effect daylie careis pistolls and travells in the countrie therewith, resolved upon thair first advantage to take the compleanners lyffes." They have thereby violated the said act and ought so to be decerned, etc. Charge having been given to the persons complained against, and both pursuers and defenders compearing, the latter confessed that they still dwelt upon these lands and had not removed, whereupon the Lords decerned them to have incurred the foresaid penalty, which they ordain them to pay, one half to his Majesty and the other half to the party. The Lords further ordain the defenders to be committed to ward within the tolbooth af Edinburgh till they pay the same and find caution for removing from the said lands, and they modify half a dollar to each of the witnesses to be paid by the producer.

Decreta, November 1641–October 1646. P. 86. P. 87.

Edinburgh, 5th July 1642.

Sederunt:—Chancellor; Hamilton; Argyle; Morton; Glencairne; Lauderdail; Southesk; Dalhoushie; Lanerick; Callander; Angus; Clerk Register; Advocate; Treasurer Depute; Justice Clerk; Sir Robert Gordon; Dundas; Din; Morphie.

Acta, November 1641–October 1646 Fol. 50, b.

Anent the trial of the Laird of Haddo for the alleged murder of Mr. James Stalker.

"The Lords of Privie Counsell, haveing hard the Justice Deput and thairwithall haveing sene the processe led before the Justice Deputs at the instance of his Majesties Advocat and Johne Stalker aganis the Laird of Haddo for the alledgit murder committed be the said Laird of Haddo upon umquhile Mr James Stalker, sone to the said John Stalker, they doe advyse the Justice and his Deputs to remit the advyseing of this processe to his Majestie and the Estats of the nixt Parliament."

Appointment of a commission for the apprehension of Jesuits, seminary and mass priests, and such as go on pilgrimage to chapels and wells.

"Forsameikle as altho all Jesuits, seminarie and messe preists, excomunicat persons and traffiqueing papists are declared be diverse acts of Parliament and Secret Counsel to be most pernicious pests in this common weale, and avowed enemies to the true religion and christian government, and were thairfore be diverse proclamations made and published heirtofore of a long tyme bygone charged to depart furth of the kingdome under the paine of death, yit partlie upon occasion of the confort and countenance whiche they find among his Majesties subjects of all ranks and qualities popishlie affected, and partlie be the neglect and oversight of those to whose charge the execution of the saids acts

Acts, November 1641–October 1646. Fol. 50, b.

and apprehension and punishment of thir persons apparteaned, thir jesuits, seminarie and messe preists hes tane the boldnes frome tyme to tyme to repaire to this kingdome, bestirring thameselfes to corrupt simple and ignorant people both in religion and alledgance, and some of thir jesuits and messe preists, being craftie and politique heads and traffiquers in maters of state, bend thair haill indevors by surmises, forgeing of lies and disperseing of bruts and rumors of forraine projects among his Majesties subjects of the better sort, to distract thame in opinions and affections and to enterteane division in the state, to the disturbance of the peace of the countrie; for preventing of whose treasonable attempts and secureing his Majesteis subjects frome the snares and dangers quhairin they will not faile to involve thame to thair wrack and undoing, the Lords of Secret Counsell, according to the former orders issued furth be his Majesteis warrand and acts of Secret Counsel made with consent of some commissioners of the State and of the Kirk for the tyme, have given and granted, and be the tenor heirof gives and grants full power and commission, expresse bidding and charge to the persons particularlie underwritten within the bounds following, they are to say,—Sir James Sinclar of Murkil, Sir William Sinclar of Catboll, Sir John Sinclar of Dunbeth, and Bruce of Stanstel for the shirefdome of Caithnes; John, Earle of Sutherland, Sir Robert Gordon of , Sir John Gordon of Embo, George Gordon, brother to the said Earle, Robert Murray of Spaniedail and Robert Gray
Fol. 51, a.
of Skibo for the shirefdome of Sutherland; Archibald, Marques of Argyle, George, Earle of Seafort, John McCleud of Herreis, and Colin Campbel, tutor of Caddel, for the bounds of the Ylles; the said Earle of Seafort, Hew, Maister of Lovat, Sir James Frisel, brother to the Lord Lovat, and the provest and baillies of Invernes for the tyme, Ros of Ballingowne and Sir John McKenzie of Tarbet for the bounds of the province of Rosse; George, Marques of Huntlie, James, Earle Murray, James, Earle of Findlater, George, Lord Gordon, Brodie of that Ilk, Sir Robert Gordon, Sir Robert Innes of that Ilk, John Dunbar of Westfeild, shireff of Murray, Hew Rose of Kilraock, Alexander Abercrombie, elder and younger of Birkinbog, Ogilvie of Boyne, Ogilvie of Pompicarne, and the provest and baillies of Elgin, Forres, Bamff, Nairne for the tyme being, within the bounds of the shirefdomes of Bamf, Elgine, Forres, and Nairne; and to the said Marques of Huntlie, Williame, Earle Marishal, Andro, Lord Fraser, , Maister of Forbes, Sir Alexander Irwing of Drum, James Crichtoun of Fendraucht, Sir Thomas Burnet of Leyis, Sir William Forbes of Cragievar, John Forbes of Leslie, William Seaton of Meanie, Walter Forbes of Tolwhon, Thomas Forbes of Watterton, Sir William Keith, yonger of Ludwharne, Alexander Fraser of Phillorth, Thomas Fraser of Streachin, Alexander Forbes, tutor of Pitsligo, John Keith of Clackriach, John Udnie of that Ilk, Mr Robert Martine in Clerkhill, Walter Ogilvie of Ridhyve, James Baird of Auchmedden, Thomas Areskene of Pittodrie, John Forbes of Aslowan, John

Irwing of Beltie, Robert Ferquharsone of Innercald, Sir William Forbes of Monymusk, Mr James Buchan of Achmacoy, John Forbes in the old toune of Aberdene, John Gordon of Straloch, and the provest and baillies of Aberdene, for the tyme being, within the bounds of the shirefdome of Aberdene; William, Earle of Marischal, John, Earle of Kingorne, David, Earle of Southesk, , Viscount Arbuthnot, James, Lord Carnegie, James, Maister of Dudop, Sir Grahame of Fintrie, Sir Alexander Areskene of Din, Grahame of Morphie, Ramsay of Balmayne, and the provest and baillies of Dundie, Forfar, Brechin, Monrose within the bounds of the shirefdomes of Kincardin and Forfar; George, Earle of Kinnoul, James, Lord Couper, Andro, Lord Balvaird, Sir Robert Campbel of Glenurqhie, Sir Mungo Campbel of Lawers, Sir Patrick Ogilvie of Inchemartene, Sir Thomas Ruthven of Freeland, Blair of Baltheyock, and the provest and baillies of Perthe within the bounds of the shirefdome of Perthe, Stratherne, and Monteith; John, Earle of Mar, James, Earle of Callander, John, Lord Areskene, Alexander, Lord Elphinston, Sir William Murray of Polmais, Cunynghame of Boqwhon, of Bandeth, and the provest and baillies of Stirline, within the shirefdome of Stirline; and to the Earles of Morton, Dunferline, Lindsay and Weimes, and to the Lords Sinclar, Burlie and Balcarres, Sir Alexander Gibsone of Durie, Sir Thomas Hope of Craighal, Sir James Learmont of Balcomie, Sir John Leslie of Newtoun, Sandilands of St Monance, William Rig of Ethernie, and the provests and baillies of the borrowis in Fyffe for the shirefdome of Fyffe; and to John, Earle of Lauderdail, William, Earle of Dalhoushie, Archibald, Lord Angus, John, Lord Maitland, John, Lord Yester, John, Lord Cranstoun, Sir Patrick Hepburne of Wauchtoun, Sir George Dundas of that Ilke, Sir Adam Hepburne of Humbie, Sir John Hamilton of Preston, Sir John Sinclar of Hirdmestoun, and the provests and baillies of the burrowis within the shirefdomes of Edinburgh and Hadinton for these bounds; and to James, Earle of Annerdail, , Earle of Queinsberrie, John, Viscount of Kenmure, William, Lord Creichtoun, , Lord Dalzel, Thomas, Lord Kirkcudbright, James, Lord Johnstoun, Sir Robert Greir of Lag, of Amisfeild, Kirkpatrick of Closburne, James Creichtoun sone to Dumfreis, William Douglas of Kelheid, Mr George Douglas of Penzerie, Colonel William Stuart, James Douglas of Mousuel, James Creichtoun of Crafurdtoun, Jardan of Apilgirth, James Johnstoun of Coreheid and the provest and baillies of Dumfreis, Annand, Wigtoun and Kirkcudbright, Alexander Gordon of Erlestoun, Gordon of Cardinnes, Richard Mure of Cassincarie, John Lennox of Kellie, William Gordon of , George Glendoning of Lethin, James McDowell of Gorthland, shiref of Galloway, Gordon of Craichlaw, McDowell of Frewche, of Logane, Johnstoun of Westraw within the bounds of Wigtoun, Dumfreis, Kirkcudbrigh and Annerdail; and to John, Earle of Loudoun, Chancellor, Alexander, Earle

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Fol. 51 b.

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of Eglinton, John, Earle of Cassills, William, Earle of Glencairne, Sir William Cunynghame of Caprinton, Sir John Craford of Kilbirnie, Sir Lodovick Houstoun of that Ilk ; Sir William Mure of Rowallan, Birsbane of Bishoptoun, Porterfeild of Deuchar and Sir Williame Cochrane of Cowdoun, within the bounds of Air, Irwin, and Renfrew, to pas, searche, seeke and take all and sundrie jesuits, seminarie and messe preists and excommunicat trafficqueing rebellious papists, quhair ever they may be apprehendit, and whose names sall be given in to thame be the moderator of the presbiterie or anie one of the ministers of the presbiterie or whose names sall be sent to thame be his Majesties Councel, or of whome they have certane knawledge thameselfes, and to putt, hold and deteane thame in sure firmance and captivitie, ay and whill order and direction salbe given for thair punishment as accords ; with power to the saids commissioners, conjunctlie and severallie, by thair best endevors to restraine the superstitious going in pilgrimages to chappells and wells, quhilk hes beene verie frequent in this kingdome to the offence of God, scandall of the Kirk and disgrace of his Majesties governement ; and for this effect to caus diligent attendance be given at suche places and parts quhair this idolatrous superstition is used, and to apprehend all persons of quhatsomever qualitie whome they sall deprehend going in pilgrimage to chappells or wells, or whome they sall knaw thameselfes to be guiltie of that cryme, and to committ and deteane thame in warde till order be given for thair punishment, conforme to the lawis of the countrey ; and if it sall happen the saids jesuits, seminarie and messe preists and excommunicat trafficqueing and rebellious papists or anie of thame, for eschewing of apprehension to flee to strenthis and houss, with power to the said commissioners, conjunctlie and severallie, to doe thairin accordinglie as wes prescryved be his Majesties lawis in caise of rebellion ; and generallie with power to the saids commissioners, conjunctlie and severallie, to doe, exerce and use all and sundrie other things quhilks for apprehension of the saids jesuits, seminarie and messe preists and excommunicat rebelious papists and persons superstitiouslie going to pilgrimages and wells by law and consuetude of this realme may lawfullie be done ; Fol. 52, a. firme and stable halding and for to hold all and quhatsomever things sall be lawfullie done heerin ; and ordans letters to be direct chargeing officers of armes to pas to the mercat croces of the heid burrowis of the shirefdomes particularlie abovewritten, and be opin proclamation to make publication heirof and to command and charge all and sundrie his Majesties leiges and subjects to reverence, acknawledge, obey, concurre, fortifie and assist the saids commissioners, conjunctlie and severallie, in all and everie thing tending to the execution of this commission, and for this effect to conveene and meit with thame at suche dayes, tymes and places as they sall be advertised be thair missive letters or other wayes, and effaldlie and truelie to concurre and joyne with thame in this commission, and to doe nothing quhilk may imped or hinder the same, or linger or delay the execution thairof as they and everie one of thame will testifie

thair affection to the true religion and punisheing the adversars thairof and under the paine to be pursued and punished as favorers, supplears and assisters of the saids jesuits, seminarie and messe preists and excommunicat rebellious papists; and to command the saids commissioners to accept this commission upon thame and faithfullie and carefullie to executte the same, and to be reddie at all tymes as they sall be requyred or advertised of the being of the saids jesuits, seminarie and messe preists and excommunicat rebellious papists, in anie part within the bounds allotted to thame, to ryse and goe foreward for thair persute and apprehension as they will approve thamselfes worthie of the trust reposed in thame, and will answer on the contrare at thair perrell." Acts, November 1641-October 1646. Fol. 52, a.

Charge to synods and presbyteries to hold courts and try all resetters of Jesuits.

"Forsameikle as altho the resset, supplie and intercommoning with jesuits, seminarie and messe preists (who be diverse acts of Parliament are fund to be profest and avowed enemies of all Christean governement) hes been straitlie discharged be manie good acts of Parliament, Convention and Secret Counsell, under certane paines conteaned, notwithstanding it is of truthe that the resset, supplie and conforting of thir unhappie people is verie frequent in diverse parts of this kingdome, partlie upon occasion of bypast connivence and oversight given to persons offending in this kynde, and partlie becaus particular commissions have not beene granted for tryell of the saids ressets, which is the cheife and special caus quhairby thir jesuits and messe preists are encouraged to repaire to this kingdome, and to take the libertie to corrupt his Majesties good subjects both in thair religion and alledgance, whereas if thir ressets and starting holes were denyed thame, the countrey would not be troubled with thair treasonabill projects and insinuations; thairfore the Lords of Secret Counsell, according to ane act of Parliament made in the moneth of June, 1609, and to former acts of Secret Counsel, and to the 13 act of the Parliament haldin at Edinburgh in September, 1640, ordans and commands all and sundrie synods and presbiteries within this kingdome, and with that gives and grants unto thame full power and commission to call and conveene before thame all and sundrie persons, ressetters of jesuits, seminarie and messe preists and excomunicat rebells for poperie, and all hearers and sayers of messe, at suche dayes and tymes as they sall appoynt, Fol. 52, b. and for this effect to fence and hold courts and to creat officers and members of court neidful, and the person or persons guiltie of the crymes abovewritten or anie of thame to call and accuse, and to deduce and lead probation thairupon either by oath of partie or be witness; and incaise anie partie ressetter be lawfulie summond to compeir and answer upon the said resset will, notwithstanding, wilfullie absent himselfe and shunne his tryell and so take the cryme upon him, that in that caise they hold him as confest; provyding alwayes that the partie resset be speciallie condescendit upon either be his awne proper name or be the name and designation quhilk he assumes to himselfe and quhairby he is known in the countrie, and that the resset hath beene within the space of a yeere, and the said tryell and probation being tane, that they report the

Acts, November 1641–October 1646. Fol. 52, b.

same to the Lords of his Majesties Privie Counsel or to his Majesties Advocat, to the intent the delinquents may be called to thair answer and punished accordinglie; with power to the saids synods and presbiteries, everie one within thair awne bounds and offices, to call before thame all persons who, against the tenor of the act of Parliament, 1609 and 1640, refuise to comunicat, and to take tryell of thair refuisall, and, if thairupon they sall be fund non comunicants, that they report the same to the Counsel, that they may fyne thame, quhilk fynes are to be applyed to the uses prescrybed be the act of the said late Parliament; and recomends to the saids synods and presbiteries to have a special care to putt this commission to execution in all poynts."

Act anent Papists in ward.

"The Lords of Secret Counsell, according to ane former act of Counsell made in July, 1629, declaris and ordans that no excommunicat rebells who sall be wardit for matters of religion sall be releived out of warde bot upon obedience and conformitie to the true religion or els upon thair voluntarie offer of banishment furth of his Majesties haill dominions."

No Papist to be admitted into the Council, Session, or any Judicatory, or to proceed to Court.

"Forsameikle as be diverse acts of Parliament, Convention and Secret Counsel made and published heirtofore it is ordand that no person nor persons quhatsomever who professeth not the true religion presentlie profest within this kingdome sall be preferred to anie office quhatsomever, without exception or restriction, thairfore the Lords of Secret Counsel, conforme to the said acts, declars and ordans that no profest papist refuiseing to communicat, being requyred thairto, sall have place in Councel, Session or anie other judicatorie, nor bruike anie office within this kingdome; and ordans these whome it concernes to have a special care of the practise and observation of the saids acts. And siclyke the saids Lords prohibits and discharges all persons quhatsomever being under processe for poperie to resort or repaire to his Majesties Court without licence frome the saids Lords, under the paine to be called, persued and punished as contemners of the directions of his Majesties Counsel."

Acts of Parliament anent the education of the children of Papists to be enforced.

"Forsameikle as thair hes beene diverse acts of Parliament and Secret Counsel made anent the education of noblemens children whiche have beene neglected and not ressaved execution thir diverse yeeres bygane, quhairthrow diverse persones, als weele the sones of noblemen as others, hath beene and are verie muche corrupted in thair religion, thairfore the Lords of Secret Counsell ordans the saids acts of Parliament to be putt to execution in all poynts conforme to the tenor thairof. And they recommend to the severall presbiteries of this kingdome to make a true report to his Majesties Counsel of the names of suche noblemen and barons sones and daughters who[se] parents are suspect in religion or quhair they are bred in suspect places."

Fol. 53, a.

Names of Papists to be affixed to the door of the Court of Session.

"The Lords of Secret Counsell ordans the names of all excommunicat papists given in at this tyme in a catalogue and roll to be affixt upon the Session Hous doore of Edinburgh, to the intent the Lords of Session

and others judges and the Commissars upon objections of parties and inspection of the catalogue may refuse processe to the partie thairin conteaned." Acta, November 1641-October 1646. Fol. 53, a.

Synods and presbyteries to take proceedings against Papists.

"The Lords of Secret Counsell ordans the synods and presbiteries of this kingdome to proceid against all ranks and conditions of persons suspect of poperie with the censures of the Kirk without exception, under the paines conteaned in the acts of Parliament."

Letters of treason and intercommuning against excommunicated papist rebels.

"The Lords of Secret Counsell ordans letters to be direct against excommunicat papists, being rebells, to compeir before the Counsel to heare letters of treason direct against thame, for randring thair houses and entring thair persons in warde in Blaknes, and that the summonds against suche of thame as duell on this syde of Dee sall be upon ten dayes warning, and these benorth Dee upon fyftene dayes; as also that letters of intercommoning be direct aganis thame upon lawfull hornings to be given in for warrant thairof."

Act against such as threaten ministers.

"The Lords of Secret Counsell ordans that no letters be granted against ministers at the instance of excommunicat and rebellious papists bot upon caution for payment of the ministers expenses incaise they succumb in proveing thair complaint, and that letters be direct against all suche persons who sall abuse ecclesiastical judicatories, or threatten to take ministers lyves for thair appearance before the Councell to thair answer."

The Lyon King to dismiss all messengers who are suspected of popery or refuse to subscribe the Covenant.

"The Lords of Secret Counsell recommends to the Lyon King at Armes to discharge all messengers of armes suspect of poperie and refuseing to subscryve the Covenant, being requyred thairto be the presbiterie, to executte thair office till they conforme."

The escheats of excommunicated Papists to be applied only to his Majesty's use.

"The Lords of Secret Counsell recommends to the Lords of Exchecker to have a special care that the esheits and lyfrents of excommunicat papists be onelie applyed to his Majesties use and nowayes to the use of the rebells directlie nor indirectlie, and that the intromettors with the same for tymes bygane be called and persewed with diligence. And for this effect to sie the 13 act of the late Parliament made heiranent observed in everie poynt."

Proclamation anent the education of the children of Papists.

"Forsameikle as the Lords of Privie Counsell are informed that Fol. 53, b. diverse children of noblemen and others his Majesties subjects of this kingdome have beene heirtofore sent over into seminarie colledges and others Popish houses beyond sea, and thair instructed, perswadit and strenthened in thair Popish errors, quhairthrow they become not onelie corrupt and perverted in thair religion bot poysoned and infected in thair dutie and alledgance to his Majestie and alienated in thair naturall love and affection to thair countrey, whiche is so muche the more dangerous becaus the poyson being infused into youthes and students as into new vessells groweth in tyme to ane inveterat habit of malice against the present governement; as also that diverse jesuits and seminarie preists haunts, frequents and are resset in the houses of manie of the subjects of this kingdome, quhairby there is a daylie grouth and

Acta, November 1641 - October 1646. Fol. 53, b.

encrease of papists; and the saids Lords, fearing the dangerous consequences that heirupon may follow, and being carefull to prevent the same, and thairwithall being desyrous to notifie his Majesties reddines and constant resolution to maintean the true religion profest and be law established, and upon all occasion to represse the same, thairfore the saids Lords, according to ane former act and proclamation emitted be his Majesties warrant of the date the 1 of November, 1625, ordans letters to be direct chargeing heraulds, pursevants and messengers to pas to the mercat croces of the heid borrowis of this kingdome, and others places neidful, to make publication thairof, and to command and charge all the saids children that betuix and the first day of Januar nixt they returne to this thair native countrie and conforme thameselfes to live in suche duetie and obedience as becometh good subjects; and that thair parents, tutors and governors and suche others as have beene or are faultie either in sending, permitting or mainteaning thame thair, take present order to call thame home, and provyde that they be returned to this kingdome betuix and the day forsaid; and that nane be sent over, permitted to goe, or [be] mainteaned thair heirafter, under the paine of the utmost severitie of justice to be extendit in that behalfe and sall be inflicted upon thame; and siclyke to command, charge and inhibit that no preist nor other person haveing tane or who sall take order by or under anie auctoritie or power deryved frome the See of Rome, whither they be naturall borne subjects or strangers, doe presoome to conferre anie ecclesiasticall order or exercise anie ecclesiasticall jurisdiction or function quhatsomever towards or upon anie his Majesties natural borne subjects of this kingdome; as lykewayes to command and charge all and sundrie judges and justices to whome it apperteaneth to putt all his Majesties lawis and statutts now standing in force against jesuits, seminarie preists and others haveing tane orders frome the See of Rome, being his Majesties subjects, to due and full execution against suche of thame as frome and after the last day of September nixtocome sall be fund within this kingdome, whiche day the saids Lords have limitted and prefixed for the utmost terme of thair departure; and also to command, charge and inhibit all his Majesties leiges and subjects that nane of thame presoome nor take upon hand after the said day to resset, supplie nor harbour, enterteanie, releive nor conceale anie of the saids jesuits, seminarie preists or other Popish preists, under the paines provydit be the law in that behalfe, whiche paines sall be severlie inflicted upon the offendors without favor; and last, to command and charge all his Majesties subjects of quhatsomever ranke and degree, to conforme thamselfes to the publict profession of the true religion now established. Lykeas the saids Lords prohibits the exercise of anie contrarie profession, under the paines conteand in the laws and statutts made thairanent, and ordans all synods and presbiteries to proceid against all suche as are knawn to be of a contrarie profession, according to the lawis of this kirk and kingdome."

Fol. 54, a.

Husbands to be responsible for their wives and servants who are Papists.

"Forsomuche as albeit the resset of jesuits, seminarie and messe preists has beene oft prohibit and discharged, yit the execution of the saids lawis have beene illudit be the wyffis of persons repute and esteemd to be sound in religion, who pretending misknawledge of the actions of thair wyffes in thir cases, thinke to liberat thameselfes of the danger of the resset as if they were not to answer for thair wyffes doings, and under cullor heirof jesuits and messe preists are hoordit in diverse parts of the kingdome, and occasion thairby offered to corrupt the children and servants of the hous in thair religion; for remeid quhairof, conforme to ane former act of Counsel, it is heirby declared that the husband sall be answerable to his Majesties Counsel and Justice of the kingdome that his wyffe, being a profest papist or under processe for poperie, sall not resset, supplie nor entercommon with jesuits nor preists, and that he nor she sall not be served be papists, and that nane sall be admitted to thair service bot suche as have a testimoniall frome the minister quhair they duell of the soundnesse of thair religion, under the paines conteand in the acts of Parliament made against the ressetter of jesuits, seminarie and messe preists, speciallie the 13 act of the Parliament, 1640, prescrybed against husbands, wyffes and children in this behalfe, quhilk the saids Lords ordans to be putt to execution in all poynts." Acta, November 1641-October 1646. Fol. 54, a.

Charge to sheriffs to execute the precepts of the Commission for repressing disorders in the Highlands.

"Forsameikle as thare is commission granted to diverse noblemen and others for repressing the disorders in the Hielands, and diverse precepts are issued furthe by thame for summoning of certane persons to the saids courts, als weele parties as witneses, and persons to give up dittayes aganis delinquents quhilks cannot be executte bot be the shireffs of the shyres quhair the saids parties duells, according to the accustomed order formerlie observed in caises of this kynde, thairfore the Lords of Secret Counsell ordans letters to be direct chargeing all and sundrie shireffs and thair deputs whome this mater concernis to ressave the saids precepts as they sall be direct to thame, and to caus duelie and tymouslie executte the same upon the charges of the saids commissioners, quhilks salbe modified and thankfullie payed to thame at thair courts, as the saids shireffs and thair deputs respect the advancement of this service so neirlie concerneing the good of the countrey, and will answer on the contrare at thair perrell."

Edinburgh, 5th July 1642.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 87.

Supplication by Sir William Affleck of Balmano for the liberation of three of his tenants.

See *ante*, p. 287.

Supplication by Sir William Afleck of Balmanno, as follows:—Their Lordships were pleased the last Council day to imprisson Robert and George Coventrie and George Fothringham, the supplicant's tenants, upon the complaint of Robert Hay and his sons till they should remove four miles from his farm and not dwell within that space to the said Robert Hay. The supplicant is the greatest sufferer by that sentence, although innocent, yet must he reverence their Lordships' pleasure. P. 88.

Decreta, November 1641-October 1646. P. 88.

But these persons are poor men unable to maintain themselves in prison, and he craves that they may be liberated. The Lords, after advising, dispense with the fine of 300 merks for contravention of the act, but upon their paying of 100 merks to the surgeon who cured Robert Hay and his son's wounds, and finding caution to remove in terms of the act, they ordain them to be put to liberty.

Sederunt :—Chancellor; Leven; Hamilton; Argile; Morton; Glencarne; Lauderdaill; Southesk; Dalhoussie; Lanerick; Calander; Angus; Elphinston; Clerk Register; Justice Clerk; Wauchton; Dundas; Din; Sir R. Gordon. Edinburgh, 7th July 1642.

Complaint by Isobel Hunter, widow of Michael Roresone of Caldside, for herself and William Roreson, her son, as follows :—In the decreet arbitral pronounced by John, Earl of Cassills, and John, Earl of Lauderdaill, between her and James Crichtoun, son to the Earl of Dumfreis, the said James is ordained to remove from her lands of Caldside and Craignie, and to deliver to her a sasine taken by him from her which he alleged to be lying in process, before 29th May now bypast, wherein P. 89. if he failed he was to be liable in the payment of the rents of the said lands for the past seven years and of the violent profits thereof in time coming, as the decreet registered in their Lordships' books on 3rd March last bears. Yet the said James has not obeyed and does not intend to obey the same. Charge having been given to the said James Crichton and the pursuer compearing but not the defender, the Lords ordain the latter to have incurred the penalty above mentioned, the seven years' rents extending to 2000 merks, and the violent profits in time coming, and they decern him to be charged therefor.

Complaint by Isobel Hunter, widow of Michael Roreson of Caldside, against James Crichton, son to the Earl of Dumfries, who has refused to deliver the sasine of certain lands to the complainer.

P. 90. This day compeared personally Margaret Broun, spouse to George Logan in Boigs, and Margaret and Elizabeth Logan, his daughters, for satisfaction of the bond given for them to the provost and bailies of New Gallouay, upon charges for their exhibition this day executed against the Viscount of Kenmure, at whose instance they were committed to the tolbooth of New Gallouay, and they protested that, as they had appeared, they and their cautioners should be free of the said band. The Lords admit the protestation, and decern the said bond to be given up to them by the said provost and bailies.

Margaret Brown, spouse to George Boigs, and her daughters relieved from a bond for their exhibition before the magistrates of New Galloway.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Walter Dick in Griblach of Ardmanwell, as follows :—Although the carrying of hagbuts and pistols is strictly prohibited yet John Knox of Ramferlie, who has for the past six years "mightilie opprest the said Walter Dick by taking and spoyling of his goods, speciallie during the tyme of the late troubles," has begun again to revive his oppressions. On November last he, accompanied by his two servants armed with swords, staves and pistols, came to the complainer's lands of Griblach and, without any lawful warrant, took away six kine; and on 4th March he

Complaint by Walter Dick in Griblach against John Knox of Ranfurlie for carrying prohibited weapons, and for assault and robbing the complainer's goods.

came in like manner to the complainer's house, broke up his barn doors, took forth seven or eight bolls of seed oats and carried the same away, hurting and wounding the complainer and his servants in several parts of their bodies to the hazard of their lives. Moreover, he carries pistols and travels therewith in all parts of the country, threatning therewith the complainer and others of his Majesty's good subjects. Charge having been given to the said John Knox, and he and the pursuer both compearing, and they and their witnesses having been heard, the Lords assoilzie the defender as the witnesses proved nothing of what was charged against him. They also ordain 40s. to be paid to each of the witnesses by the producer. Decreta, November 1641-October 1642. P. 91.

Complaint by Sir Thomas Stewart, fiar of Garntullie, against James M'Innes in Milnetown of Glenalmond and others, whom he accuses of assaulting John M'Ago, his tenant, at the instigation of the Earl of Tullibardine.

Complaint by John McAgo in Meikle Trochrie, tenant to Sir Thomas Stewart, fiar of Garntullie, and the said Sir Thomas for his interest, as follows:—On 3d June last James McInnes in Milnetoun of Glenalmond and William Gorrie in Culnaclich, tenants to Patrick, Earl of Tulibardin and others their accomplices, at the instigation of the said Earl, came to the lands of Glenschie in Strabrane belonging to the said Sir Thomas, and lay in wait there "derned" in a quiet part for his said tenant. When they perceived him, "they followed him with drawin swords, patt violent hands in his person, caried him prisouner with thame to the place of Logyalmond and layed him in the yrnes as some notorious male-factor and keeped him there 24 houres, being his Majesteis free liege." Charge having been given to the said Earl of Tullibardin, James McInneis and William Gorrie, and both pursuers and defenders compearing and they and witnesses having been heard, the Lords assoilzie the defenders, because, probation as to the "hounding out" by the said Earl being referred to the Earl's oath of verity, he deponed "that being informed of some wrongs done be the said Johne McAgo to his bestiall and goods pastouring in Glenschie he sent his tennents to desire the said Johne to come to his lordship to show him by what warrant he committed thir wrongs, whilk he did, and that he wes kyndlie intreatted without anie violence and then dismissed"; and because as to the other points of the libel the witnesses failed to prove anything. The Lords modify payment of £3 to each witness to be paid by Sir Thomas. P. 92. P. 93.

Complaint by William Blair of Finnick and certain of his tenants against George Buchanan, apparent of that Ilk, for assault and injuring of property.

Complaint by William Blair of Finnick and James Mitchell and Duncan Wright, his tenants, as follows:—They have been greatly oppressed by George Buchannan, apparent of that Ilk, and his tenants this long time. On June, 1637, the said George came to the said Duncan Wright's house, and taking him forth thereof carried him as prisoner to his own house and kept him there six days, being his Majesty's free liege; and on June, 1640, when the said James Mitchell was leading a horse upon the highway, the said George took the horse from him and sold it for his own use. Further, on May last the said George came to the said William Blair's temple lands of Castrey, "sett doun marches upon the gentlemans heretage, and built a dyke to putt him from his fewell and pastourage; and daylie be himselfe and his servants P. 94.

Decreta, November 1641–October 1646. P. 95.

debarres him from the libertie of elding and fewell, and cutts and destroyes his timber and planting." William Blair compearing for himself and the other pursuers and the defender being also present, on probation being referred to the latter's oath and he denying the complaint, the Lords assoilzie him, but ordain him to find caution of lawburrows in 2000 merks to the pursuer, who gave his oath that he was in dread of bodily harm from the defender.

Acta, November 1641–October 1646. Fol. 54, b.

Sederunt:—Chancellor; General; Argyl; Morton; Lauderdail; Angus; Elphinston; Clerk Register; Advocate; Treasurer Depute. Edinburgh, 12th July 1642.

Alexander, Earl of Leven, appointed commander of the forces proceeding to Ireland.

"The quhilk day the Lord Chancellor produced and exhibit ane patent under the great seale quhairby the Kings Majestie, with advyce of the Councel, had made and constitutte Allexander, Earle of Leven, General of these forces that goe frome this kingdome for assisting England to suppresse the rebellion in Ireland; quhilk, being red in presence of the Councel, wes with all dutifull respect acknawledgd be thame, and furthwith wes delyvered be the Lord Chancellor to the said Earle of Leven, who in all humilitie ressaved the same, and gave his oath for the faithful discharge of that trust committed to him; and thairwithal protested that since the artickles of the treattie (quhairunto his commission is relative) are not yit signed and delyvered to him, and that the necessitie of the service requyres his present going to Ireland, that thairfore the not particular keeping of these artickles sall not be imput as a cryme to him, since he hes thame not; and als protested that, since the horse troups that are to joyne with the armie are not yit leveyed, that it may leasome to him to make use of suche horse as he sall find leveyed thair before him, or in the interim to levey other til these promised be the Parliament be sent unto him.

Decreta, November 1641–October 1646. P. 95.

[Sederunt as recorded above, omitting the General.] Edinburgh, 12th July 1642.

Complaint by John Rutherford of Edgerston against John Penman in Jedburgh for tearing a band granted by the said John Penman to the complainer.

Complaint by John Rutherford of Edyerston, as follows:—On 4th July instant, while he was in the house of John Penman in Jedburgh with some gentleman and Mr John Abernethie in Linthauchlie and was showing to some of them a bond granted to him by the said Mr John, which had been in the complainer's possession for a month, the said Mr John "rave the same out of his hand and tooke away his name therefra," so as to defraud him of his right. Both pursuer and defender compearing, the latter confessed the "ryving of the said contract and band," which the Lords "finding to be of dangerous preparative," they ordain the defender to be warded in the tolbooth of Edinburgh until they release him, and that the "just double of the said contract and band" produced by the defender be registered and an extract thereof given to the pursuer at the defender's expense.

Complaint by Margaret Duff, widow of Adam Fraser of Fingzeauche against Sir Robert Innes of Balvenie and Walter Innes, fiar of Achloneart, for contempt of horning.

Complaint by Margaret Duff, widow of Adam Fraser of Fingzeauche, as follows:—On 13th Novembet, 1637, Sir Robert Innes of Balvenie and Walter Innes, fiar of Achlonhart, were put to the horn at the complainer's instance for non-payment of 4000 merks with expenses and interest due to her and Adam, Alexander, John, Robert, and Jeane Fraser, her children; but these persons remain proudly and contemptuously at the horn. The pursuer compearing by Robert Alexander, W.S., but the defenders not, the Lords ordain heralds and pursuivants to charge the said Walter and all havers of his house of Auchlonkhart to render the same, and to enter himself in ward within the Castle of Blaknes within fifteen days on pain of treason. Decreta, November 1641–October 1646. P. 95. P. 96.

Edinburgh, 14th July 1642.

Sederunt:—Chancellor; Argyl; Morton; Cassills; Glencairne; Lauderdail; Callander; Angus; Balcarras; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtoun; Provost of Edinburgh. Acta, November 1641–October 1646. Fol. 54, b.

Appointment of a commission for defining the jurisdiction of the commissary courts.

"Forsameikle as his Majestie and Estates of Parliament have granted commission to these persons who sall be nominat be the Lords of Privie Counsel to whome his Majestie and the saids Estates did remit and refer the nomination of commissioners to the effect afterspecifeit or anie fyve of the saids commissioners to be nominat be the saids Lords for ordering the commissars jurisdiction, and clearing the bounds and limits thairof, that there be no question betuix thame and other inferior judicatories, and the saids Lords, findeing it verie expedient that the saids commissioners be now nominat, and goe on for regulating of the saids commissariats for the good of his Majesties service, and of his subjects, thairfore the saids Lords have nominat, and be the tenor heirof nominats the persons underwritten, they are to say:—John, Earle of Loudon, Chancellor; Archibald, Marques of Argyl; John, Earle of Cassills; William, Earle of Glencairne; John, Earle of Lauderdail; David, Earle of Southesk; Archibald, Lord Angus; Sir Allexander Gibsone of Durie, Clerk of Register; Sir Thomas Hope of Craighal, his Majesties Advocat; Sir John Hamilton of Orbeston; Justice Clerk; Sir James Carmichael, Treasurer Deput; Sir Patrick Hepburne of Wauchton, Sir Henry Dundas of that Ilk, Sir Allexander Gibsone, elder, of Durie, Sir Andro Fletcher of Innerpeffer, Sir John Hope of Craighal, Sir Adam Hepburne of Humbie, and Sir Archibald Johnston of Wareston, ordaneing thame heirby to proceid and goe on in performeing of that service entrusted unto thame be the said Act of Parliament with all convenient diligence conforme to the tenor thairof in all poynts." Fol. 55, a.

Edinburgh, 14th July 1642.

[Sederunt as recorded above, omitting Lauderdaill and adding Din.] Decreta, November 1641-October 1646. P. 97.

Supplication by John, Earl of Kinghorn,

Supplication by John, Earl of Kingorne, George, Earl of Seafort, and Sir Robert Innes of that Ilk, as follows:—They have right to the customs

Decreta, November 1641-October 1646. P. 97.

and tolls of Bartill Fair and to the privilege of "ryding the said faire and uplifting the saids customs," and in August, 1640, they procured a warrant from the Committee of Estates to Lord Fraser or such as he should appoint for uplifting these to the supplicants' use. The said fair is now approaching and there may possibly be some trouble over this matter, wherefore they crave their Lordships to take order hereanent. The Lords, having considered the same, and having also heard John Leith of Harthill and Mr William Gordon, advocate, in name of Arthur Forbes of , who also pretend right to the said fair, command the sheriff of Aberdene or his deputes to ride the said fair and uplift the customs to be forthcoming to such persons as shall be found to have best right thereto; and they discharge all other persons from interfering therein, yet without prejudice to the rights of parties.

and others anent the dues of Bartle Fair

P. 98.

Supplication by John Leith of Harthill, as follows:—"The ryding of Lauren faire in the north does now approache and the supplicant is heretable infeft in the priviledge thairof, and he is also obliged to the Burrowes to keepe duetie in uplifting the customs of the same." But several persons pretend right to these customs and there may be trouble thereanent, wherefore he craves their Lordships' intervention. The Lords ordain the Sheriff of Aberdene and his deputes to deal also with this case as in the former.

Supplication by John Leith of Harthill anent the dues of St. Laurence Fair.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Henry Gibboun in Tuspester, as follows:—In contravention of the laws prohibiting the carrying of hagbuts and pistols, on last John Andrew, servitor to the Laird of Din, David Androw in Snarclet, Andrew Donaldson in Bowardmaddin and William Androw Donaldsone in Bowartoun, their father, armed with swords, dirks and other weapons and

P. 99.

the prohibited hagbuts and pistols, came to where the said Henry Gibbon and John Gibbon, his brother, were in peaceable manner, and fiercely assaulted the said Henry with a drawn sword, wounding him in divers parts of his body to the effusion of his blood and cutting off the half of his nose. The said Lord Advocate appearing personally and the said Henry Gibbon by Francis Sinclair, his master, for the pursuit, but of the defenders only William Andro Donaldsoune compearing, and, so far as he was concerned, probation being referred to his oath, and he denying the complaint, the Lords assoilze him. But the other defenders who compeared not, the Lords ordain to be put to the horn and escheated.

Complaint by Henry Gibbon in Tuspester against John Anderson, servitor to the Laird of Din, and others for assault.

P. 100.

Sederunt:—Chancellor; Leven; Marquis of Argile; Morton; Eglinton; Cassills; Glencarne; Lauderdaill; Callander; Angus; Balcarras; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas.

Edinburgh 19th July 1642.

Sir Alexander Kennedie of Culyeane, compearing personally, became cautioner for James Kennedie, called of Blairquhan, in 2000 merks for

Caution by Sir Alexander Kennedy of

Culyeane for James Kennedy, called of Blairquhan.

the indemnitie of John Quhytfurd of Ballack and his wife, children, etc., at the hands of the said James, with clause of relief. This caution is to stand "till Martimes come a yeer," when Sir Alexander is obliged to exhibit the said James before their Lordships. Decreta, November 1641–October 1646. P. 100.

David Home released from ward in the Tolbooth of Edinburgh.

The Lords, having heard Sir William Dick of Braid and David Home, prisoner in the tolbooth of Edinburgh, as to the ground of the latter's imprisonment for abusing the said Sir William Dick, ordain the provost and bailies of Edinburgh to liberate the said David in so far as he is warded at the instance of the said Sir William; and they discharge the said David from repairing to the burgh of Edinburgh or precincts or liberties thereof without license of the Council, ordaining him to remove therefrom within twenty four hours after his release. Should he return without license the provest and bailies are to apprehend and ward him in their tolbooth until further order. The Lords also discharge him from resorting to or within the parish of North Berwick without their license.

Edinburgh, 21st July 1642.

Sederunt:—Chancellor; General; Argyl; Morton; Eglinton; Cassills; Glencairne; Lauderdail; Dalhoushie; Callander; Angus; Elphinston; Burley; Balcarres; Clerk Register; Advocate; Dundas; Provost of Edinburgh. Acta, November 1641–October 1646. Fol. 55, a.

Sir Thomas Hope of Kerse received as Justice-General.

"The quhilk day John, Earle of Loudon, Lord Chanceller of this kingdome, produced and exhibit before the saids Lords ane patent under the great seale of the date at Windsore, the 14 day of Januar last, quhairby his Majestie hes made and constitutte Sir Thomas Hope of Kerse, one of the Senators of the Colledge of Justice, Justice General of this kingdome; quhilk patent being red, hard and considerit be the saids Lords, and they acknawledgeing the choice made be his Majestie of the said Sir Thomas as a person fitt for such ane employment, and he being personallie present, the Lord Chanceller delyvered to him his said patent, whiche he ressaved with all due reverence and gave his oath *de fideli administratione*."

Warrant to Colonel Lord James Douglas to levy 1000 men to recruit his regiment serving under the King of France.

"Forsameikle as the Kings Majestie, haveing formerlie upon good considerations granted to Colonel Lord James Douglas the levey of ane thousand men within this kingdome for a recrue to his regiment imployed in the service of the French King whilk, be reason of the distractions of the tyme and the generall restraint of leveyes made [be] his Majestie and Parliament, he hes not as yit fullie effectuat, thairfore the saids Lords of Privie Counsel, according to ane warrand in writ signed be the Kings Majestie and this day presented to thame, gives warrand to the said Colonel Lord James Douglas and his officers in his name to levey within this kingdome fyve hundreth men, and to transport thame to France to be a recrue to his said regiment in the service forsaid; with power to the said colonel and his officers for this effect to toucke drumes, display cullors and to doe all and everie thing requisit and necessar for leveying and transport of the said nomber of men with all

Acta, November 1641–October 1648. Fol. 55, a.

liberties, priviledges and immunities quhilks have beene heirtofore granted to anie person in the lyke caise, the said colonel and his officers alwayes giveing to everie one of the said nomber suche satisfaction as sall be agreed upon betuix thame; commanding heirby all shireffs, baillies and magistrats and ministers of his Majesties lawis to burgh and land and others his Majesties subjects to be aiding and assisting to the said colonel and his officers in all and everie thing tending to the furtherance of the said levey and transport of the same, and to doe nothing to the hinder or prejudice thairof, as they will answer upon the countrare at thair perrel."

Fol. 55, b.

"The tenor of his Majesties letter sent for warrand of the forsaid Act.—CHARLES R.—Right trustie, etc. Haveing formerlie upon good considerations granted to Colonel Lord James Douglas the levey of one thousand men within that our kingdome for a recrue to his regiment employed in the service of our deare brother, the Frensh Kinge, whiche, be reason of the distractions of the tyme and the general restraint of leveyes condiscendit upon be us and our Parliament, he hes not as yit fullie effectuat, it is thairfore againe our special pleasure that yow give present warrand to the said Colonel Lord James Douglas and his officers in his name to levey and transport within that our kingdome fyve hundreth men for a recrue to his regiment in the service aforsaid, with power to thame for this effect to toucke drumes, with all other liberties, priviledges and immunities that hath ever beene granted heirtofore to anie in the lyke kynd, hee or they alwayes giveing satisfaction to everie one of that nomber as sall be agreed upon betuixt thame according to the custome in the lyke caises; and for this end that yow give furth all orders that are usual and requisit, for doing quhairof these presents sall be your warrant. Given at our Court at Yorke, the 25 of June, 1642."

Committee appointed anent the patents for the manufacture of leather and gunpowder.

"The Lords of Privie Counsel recommends to the Earles of Lauderdail and Southesk, the Lord Burley, Lord Register, Laird of Dundas, and Provest of Edinburgh, or anie three of thame, ane nobleman being one, to conveene and consider of the charges and expenses bestowed be the Earles of Mar and Linlithgow upon thair worke conteaned in thair patents of tannage and poulder respective, conforme to the Acts of Parliament made heiranent and to report."

Recommendation for the repairing of the bridge of Portmoak.

"Forsameikle as the hie way and common passage throw the parish of Portmucke by whiche his Majesties lieges travell to and fra betuix Edinburgh and Perthe and manie other parts of the countrey thairabout and farder north, is become impassible be reason of a ruinous bridge at the east end of Lochlevin called the Gullats, and in regarde of manie deepe ditches and sinkeing myres betuix the said bridge and the toun of Scotlandwell, commonlie called the calses of Scotlandwel, quhairthrow diverse of his Majesties subjects have perished, manie have beene in hazard of thair lyffes, and all are hindred in thair lawfull affaires that way; lykeas the parishioners of Portmook have extendit thair utmost

endevors for repaireing the said way and upholding the bridge, quhilk notwithstanding is cleirlie fund to be a worke impossible to thame, and yit so necessarie and usefull to the leiges as the same cannot be neglected bot furthered and advanced be all faire and lawfull meanes; quhairof the Lords of Privie Counsel, haveing tane special consideration, they find it necessar and expedient to be recomendit, lykeas be thir presents they doe recommend this mater to all noblemen and gentlemen, magistrats of borrowis and touns, synods, presbiteries and sessions of kirks, and others his Majesties subjects within the shirefdomes of Fyffe, Louthian, Perthe and Forfar, requesting and desyring thame to extend suche proportion of thair liberalitie and benevolence as in thair christian judgment they sall thinke fitting for advancement of so pious and necessarie a work, and to delyver the same to Sir William Douglas of Kirknes, Mr Allexander Colvil of Blair, David Balfour of Balloch, William Keith in Kirknes, Mr Henrie Wilkie, minister at Portmucke, and John Smith, shireff clerke of Kinrose, whome the saids Lords have appoynted collectors, conjunctlie and severallie, of the said benevolence, and unto whome or anie tua of thame, with the said minister and shireff clerke, the saids Lords gives power to imploy the moneyes to be collected for repaireing of the said bridge and passage in suche a way as they sall thinke most fitting; and ordans thame to make report of thair proceedings upon the first Counsell day of Junij nixtocome. And for the better advancement of the worke, the saids Lords gives power to the saids collectors, or anie whome they sall appoynt, to exact and uplift ane custome of foure pennies for everie horse or horseload, and tua pennies of everie footman comeing alongs the said bridge for the space of nyne yeeres nixt after the date heirof, to be imployed be thame in maner forsaid."

Acts, November 1641–October 1646. Fol. 55, b.

Fol. 56, a.

Recommendation to the Earls of Morton and Lauderdale anent a process in which certain persons from the Orkneys and Shetlands are concerned.

"The Lords of Secret Counsel recommends to the Earles of Morton and Lauderdail to call before thame Mr Patrick Cheyn, James Sinclar, Mr James Mouat, and the rest of the people of Orkney and Zetland that are presentlie in processe before the Councel or Justice, and to deale with thame that suche course may be tane with thair consent as the parties enteressed may be satisfied, and the peace secured to thame in tyme [coming], and to report."

The commission for regulating the commissary courts.

"The quhilk day the Lord Chanceller, the Marques of Argyl, the Earles of Cassils, Glencairne, Lauderdail, the Lord Angus, the Lord Register, Advocat, Justice Clerke, Treasurer Deput, Wauchton, and Dundas, the Lords Craighal, and Humbie compeired personallie, and accepted upon thame the commission for regulating the Commissariats, and gave thair oath *de fideli*."

Edinburgh, 21st July 1642.

[Sederunt as recorded above.]

Decreta, November 1641–October 1646. P. 101.

Agreement between Mr. Daniel Brown,

This day Mr Daniel Broun, lawful son of Richard Broun, minister at Tindrom, on the one part, and Margaret Hamilton, his spouse, on the

Decreta, November 1641-October 1646. P. 101.

other part, compearing personally before the Lords, declared that they had taken up the letters and complaint raised at the instance of the said Margaret against the said Mr Daniel, and they produced a contract entered into between them to which they desired their Lordships to interpone their authority and ordain the same to be registered in their books for execution. This the Lords do. The contract (which is registered at length) is dated at Edinburgh, 19th July, 1642, and bears that the said Mr Daniel Broun and Margaret Hamiltoun, his spouse, have agreed as follows:—That whereas by their contract of marriage, dated 16 . . , the said Richard and Mr Daniel Broun are bound to perform certain obligations to the said Margaret and her children by the said marriage, which they have not yet fulfilled, for which she has raised action against the said Mr Daniel, and he being most willing to perform the same and unwilling to be hard in anything debatable among them, promises to denude himself of the fee of 5000 merks contained in the said contract in favour of his said children, with the liferent thereof to his said wife, making them all legal securities necessary herefor, but that the yearly interest of the same shall belong to the said Mr Daniel and Margaret Hamilton, that is, he shall pay to her yearly the sum of 200 merks during their not cohabiting and until they mutually consent to dwell together, and if he die and she survive him she is to receive the whole interest of the said 5000 merks during her lifetime. Further, whatever may be found belonging to the said Richard or Mr Daniel Broun in addition to the said sum of 5000 merks after payment of the debts of the said Mr Daniel, is to belong also to the said children. The said Margaret undertakes during their not cohabitation to bring up the half of the said children, and if the said Mr Daniel does not bring up the others she is to have right to two thirds of the said interest of the 5000 merks. Both parties bind themselves to observe this contract under a penalty of 100 merks for each failure in addition to fulfilling thereof. The witnesses to the contract were Sir William Weir of Stanebyres, Sir James Somervell of Cambusnethan, Cuthbert Hamiltoun of Cander, Mr John Hamilton of Raith, advocate, and John Hamiltoun, servitor to John Mudy, W.S., writer of the deed, William Hamilton and James Henryson, notaries, signing for the said Margaret, as she cannot write.

lawful son of Richard Brown of Tyndrum, and Margaret Hamilton, his spouse, during the time of their non-cohabitation.

P. 102.

P. 103.

P. 104.

Complaint by Mr Samuel Douglas, minister at Coldingham, as follows:—He has been greatly troubled these fours years past since his entry to the ministry [by John and Francis Stuart not only] "absenting themselves frome sermons and others divine exercises and venting of calumneis aganis him, but also by medling with his vicarage teinds, to the worth of 400 merks, compelling the tennents to pay the same. And when as the said minister did latelie sett a part of his manse to a tennent, the said Francis compelled him to deliver the key theirof; and becaus one of his servants closed and ramforced the doore to hold out the said Francis, he brake the same in peeces and put in his gairdner to dwell therein, where he remaines as yitt. Lykeas he hes stopped the

Complaint by Mr. Samuel Douglas, minister at Coldingham, against John and Francis Stuart for various offences committed against the complainer.

ministers ordinarie way frome his hous to the kirk, quhilk wes by his owne yaird throw the head of ane alley of the said Johne Stewarts yaird by some ruinous walls in to the kirk doore, and patt on a doore at the entrie throw the walls, and layed stones to the same, and the compleanner for preserving the kirks right having cleered the passage the said Johne Stewart, upon the day of May, shamefullie railed upon the minister as he wes going in his owne yaird, imperiouslie discharged him to come that way, threatening that he would misken his profession and put a sword throw him. And accordingly, when he preast to enter that way the said Johne came and pursued him with a long stalffe, so as he is debarred from that peaceable entrie to the kirk quhilks his predecessors hes injoyed past memorie of man, and forced to goe about the kirkyaird and whole gleibland, ane foule and long way, quhilk in winter is impassable." The pursuer, compearing personally, produced an instrument, dated at Coldingham, 23rd November, 1640, bearing that John Home, younger of Blacader, did that day, by order of the Committee of Estates, dated at Dunce, 13th August, 1640, give possession to the said minister of the house libelled, wherein the said Francis Stuart's gardener remains; and also an act of the Presbytery of Chirnside, dated at Coldingham, 26th May last, bearing that the way libelled was the accustomed way from the manse to the kirk for over forty years past. The said Francis Stuart was also personally present for his own and his father's behalf, and confessed that "he caused a boy enter in at the window of the hous libelled and open the doore that was ramforced and possesst himselfe therein, and alledged he had right to the said hous." The Lords find that the said Francis in thus disorderly dispossessing the minister of the house, and the said John Stewart in stopping the minister from passing the way libelled to the kirk, have committed a great wrong, and they admonish the said Francis to forbear the like conduct in time coming as he will answer at his peril. They further ordain him to replace the pursuer in possession of the said house, and the said John to make the said passage and way open to the minister, and also to find caution in £1000 for doing so and not troubling the said minister nor any of his in future.

Decreta, November 1641-October 1646. P. 104.

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Complaint by James, Lord Boyd, patron of the kirk of Kilmarnock, against the presbytery of Irvine, for refusing to admit a presentee to the said kirk.

Complaint by James, Lord Boyd, patron of the kirk of Kilmarnock, as follows:—Mr Michael Wallace, the late minister at the said kirk, having died, the complainer, in the exercise of his right of patronage, gave a presentation to Mr Mathew Mouat, "ane sufficient and able preacher, with the good lyking and contentment of the said parochiners, and presented him to the said kirk, modified stipend of the same, manse and gleib thereof, quhilks wer before possest be the said umquhile Mr Michael; and upon the day of November last caused produce the said presentation to the presbyterie of Irwing, whom the mater did concerne, desiring thame to try the qualification of the said Mr Mathew and give him admission accordinglie. But they without anie ground of reason refused the same." He must therefore have his recourse to their Lord-

P. 106.

Decreta. November 1641-October 1646. P. 106.

ships, who formerly in such cases directed their precepts against the bishops, and he expects that they will also do so against the presbytery. Charge having been given to Mr John Bell, minister at Steinstoun, moderator of the said presbytery of Irwing, for himself and in name of the remanent brethren of the said presbytery, and the pursuer compearing by Sir William Cochrane of Coudoun, his procurator, and the presbytery being represented by the said Mr John Bell and Mr

P. 107.

Alexander Dunlop, minister at Ardrossane, the Lords, after hearing parties, ordain the presbytery to be charged to admit the said Mr Matthew Mouat as foresaid within ten days on pain of horning, and, if they fail, to denounce, but without prejudice to the said minister's right to the parsonage and vicarage teinds of the said parish with the glebe and manse thereof, as shall be decided by the judge ordinary, notwithstanding of the modified stipend mentioned in the pursuer's presentation.

Supplication by Donald M'William in Glenrinnes, Harie Gordon there, Alexander Wright there, Duncan M'Gregour there, William Gordon there, John Geddes there, William Dow in Achindoun, Donald Bayne, smith in Campdell, William M'Robie at Quhythous, William Gressie there, Duncan Elmslie in Ballobeg, and Duncan Roy in Kandour, as follows:—They are charged at the instance of Arthur Forbes of Gight, as master, James Gavin there and others whose names are contained in the criminal letters, all tenants of the said Laird of Gight, and at the instance of his Majesty's Advocate to find caution in the books of Adjournal that they will appear before the Justice on 29th July instant and answer for the alleged theft of certain goods. They are most guiltless of such a charge and willing to abide their trial; but seeing the Justice and his deputes have appointed a diet at Elgine for the trial of all such crimes on 12th August next, and the supplicants are numerous and the witnesses may also be numerous, and there must be assizers; seeing also that the pursuers and defenders are distant 100 miles from Edinburgh, but are near Elgine, they crave their Lordships to change their diet to that date. The Lords ordain the Justice and his deputes to do so and take caution of the supplicants for compearing that day. The supplicants are also to intimate the change to the Laird of Gight.

Supplication by Donald M'William in Glenrinnes, and others, that the date of their trial for theft may be postponed till 12th August following.

P. 137.[1]

[1 Omitted at its proper place in the Register.]

Supplication by the commissioners of the burrowes, presently convened and in name of the whole burghs, as follows:—"There is latelie come to their knowledge ane gift of generall searcherie within this kingdom procured in favors of one Mr Johne Drummond, conteanning manie strange and prejudiciall clauses not onelie to the merchant estat but also to the haill kingdom, and they doubt not but the meanes and povertie of the subject of trade of merchants is so weill knowne to the saids Lords that they perswade themselves after consideration thereof they will take all courses rather to animat the merchants to sett trade and navigatioun fordward nor to discourage them therein. And therefore

P. 138.

the supplicants have tane the boldnes, after so slight a view and con-

Edinburgh, 21st July 1642. Supplication by the commissioners of the burghs that a gift of general search in favour of Mr. John Drummond may be recalled.

sideration of these they heare to be conteanned in the said gift, to represent to the saids Lords the detriment likelie to ensue both to his Majestie, the countrie and supplicants estat in particular; and thair humble sute to the saids Lords is to be pleased to recall the said gift and to discharge the samine and all executioun thereof in all time comming." The Lords remit the matter to the Lords of his Majesty's Exchequer and meanwhile continue the execution of the gift until the Burghs be heard thereanent. Decreta, November 1641-October 1646. P. 138.

Edinburgh, 21st July 1642. Manufactories.

"The Lords recommends to Wauchtoun and Dundas to speake with suche barons as they sall find in the toun and to try thair opinion anent the fittest persons to be chosin for ordering the manufactories conforme to the act of Parliament and to report." Sederunta, February 1635-November 1643. Fol. 94, a.

Edinburgh, 25th July 1642.

Sederunt:—Chancellor; Eglinton; Cassills; Callander; Angus; Yester; Justice Clerk; Treasurer Depute; Wauchton; Dundas. Acta, November 1641-October 1646. Fol. 56, a.

Warrant for sealing the commission of the Earl of Dunfermline to be Commissioner at the next General Assembly.

"The Lords of Secret Counsel ordans and commands Sir John Scot, director of the Chancellarie, to wryte and exped to the great seale the signature and commission granted be his Majestie for establishing the Earle of Dunfermline, his Majesties Commissioner, at the nixt General Assemblie to be kept at St. Andrews upon the day of this instant, notwithstanding the signature doth not conteane ane expresse command to the said Sir Johne Scot for that effect, without passing anie other register or seales; for doing quhairof the extract of this act sall be to the said Sir John suficient warrand for wryting thairof, and to the Lord Chanceller for causing append the great seale thairunto."

Edinburgh, 26th July 1642.

Sederunt:—Chancellor; Callander; Angus; Elphinston; Advocate; Justice Clerk; Treasurer Depute; Wauchtoun; Dundas; Provost of Edinburgh. Decreta, November 1641-October 1646. P. 108.

Complaint by Patrick Halyburton of Egliscarnie against George Halyburton, portioner of Kidlaw, and others for hamesucken.

Complaint by Patrick Halyburton of Egliscarno, as follows:—George Halyburtoun, portioner of Kidlaw, James Skirvin of Blaitlaw, John Skirvin of Lestoun, his brother, William Skirvin in Gilkerstoun, Andrew Yuill in Braidwodside and William Allane in Kidlaw, with others to the number of sixteen persons, armed with "picks and forehammers came be way of hamesuckin to the compleanners hous of Egliscarno upon the day of May, 1639, brake up the utter gate, being a double doore of aik, thairafter brake up the yrne gate, patt violent hands in the compleanners person, threw him to the ground, keeped him prisouner till they closed the gates, tooke away the moneyes quhilks he had lying beside him, extending to 200 merkes or thereby, with the evidents and securities of his lands, together with bands and obligatiouns of soumes of money amounting to ten thousand merkes, medled with his whole kists, coffers and abuilyements and plenishing being in the hous, tooke out of his girnells and lofts 20 bolls aitts, 20 bolls peis and 20 bolls P. 109.

Decreta, November 1641-October 1646. P. 109.

wheit; thereafter brake up his barn doores and tooke furth thairof six secks quhairin there wes six bolls peis, six bolls aitts, and left the gentleman nothing, to his utter wrack and ruine." The pursuer compearing, but none of the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by John Lyon of Muiresk against James Gordon, brother to George Gordon of Baldornie, for injuring his tenants and dispossessing them of their lands.

Complaint by John Lyoun of Muiresk, Janet Lyoun, his sister, Alexander Bruce, his servant, and Thomas Mair, his tenant in Balchorie, as follows:—The said John Lyoun has good and undoubted right to the lands of Balchorie, and his said sister and tenant have occupied them for these years past, till that lately James Gordone, brother to George Gordone of Baldornie, came upon 31st May to these lands, "brake up the doores of the said tennents hous, thrust him and his familie furth thairof, possest himselfe therein, and, when as the said Jonnet Lyoun and Alexander Bruce came to him and modestlie desired to know why he did thus violentlie thrust the compleanners out of thair possessioun, he inhumanelie patt hand in the gentlewoman and shamefullie strake her with his hands and feet and gave the said Alexander Bruce manie bauch, blae and bloodie straikes with a battoun in diverse parts of his bodie; strake, hurt and wounded the compleanners sheep and nolt with stalffes and trees, hounded thame aff the ground of the saids lands, and intends by thir and the lyke practises of
P. 110. bangsterie and oppressioun to possesse the saids lands and debarre the compleanners therefra." The pursuers compearing by William Steinstoun, their procurator, but the defender not compearing, the Lords ordain the latter to be put to the horn and escheated.

Complaint by Lady Reay against her husband, Lord Reay, for contempt of horning.

Complaint by Dame Rachel Harrisone, Lady Rea, as follows:—On 26th September, 1638, Donald, Lord Rea, her husband, was put to the horn at her instance for non-payment of £2000 sterling for her past charges and expenses before the decreet obtained by her against him from their Lordships on 1st August, 1637, and for non-payment of £400 sterling as the yearly aliment modified to her by their Lordships for the maintenance of herself and Donald McKay her son by the said
P. 111. Lord Rea, but he pays no heed to the said horning. Charge having been given to the said Lord Rea, and the pursuer compearing by Patrick Lochmalony, her procurator, but the defender not compearing, the Lords ordain Lord Rea to be charged to render his houses of and to enter himself in ward within the castle of Blaknes within twenty days under the pain of treason.

Complaint by James Douglas of Mouswald against Robert Charteris of Deuchar for contempt of horning.

Complaint by James Douglas of Mouswall, as follows:—On 10th June, 1641, Robert Charters, then of Kelwod, now of Deuchar, was put to the horn for non-payment to the complainer of 3000 merks and interest and expenses thereon, but he takes no heed thereto. The
P. 112. pursuer compearing by William Stevinsone, his procurator, but the defender not compearing, the Lords ordain the latter to be charged to render his houses of and enter in ward within the castle of Blacknes within ten days upon pain of treason.

Complaint by Sir James Balfour, Lyon-King of Arms, against David Greig in Cupar for illegally usurping the office of messenger.

Complaint by Sir James Balfour of Kynnard, knight, Lyon King of Arms, as follows:—David Greg in Couper has lately usurped the office of a messenger "at his owne hand and careis his Majesteis blazon upon his breast for that effect, openlie publishes letters in his Majesteis name and chargeis parteis and does everie act of ane lawfull messinger without anie warrant or admissioun to that office be the said Lyoun; quhilk being a proud usurpatioun of his Majesteis auctoritie, the compleanner hes thought good to represent the same to the Counsell." Charge having been given to the said George Greg, and the pursuer compearing by George Stewart, pursuivant, his procurator, but the defender not compearing, the Lords ordain the latter to be put to the horn and escheated. Decreta, November 1641-October 1646. P. 112. P. 113.

Complaint by Sir John Seton of Barns against his son, Alexander Seton, for an assault on the House of Barns during the complainer's absence.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Sir John Seatoun of Barns and Lilias Seatoun, his daughter, and factor for him in his absence, as follows:—Though the carrying of hagbuts and pistols is strictly prohibited, Alexander Seatoun, "the unnaturall sone of the said Sir Johne, having shaikin aff the feare of God and all respect to his said father, by his undewtifull cariage in everie particular he hes so disobliged him as ever anie sonne. And now, latelie, to crowne all his unnaturall miscariages, knowing that his said father wes out of the countrie, the said Alexander, accompanied with Daniel Currie, his servant, Johne and George Brouns, William Bald and William Stevinsoun in Hadintoun, boddin with swords and pistolls, came upon the 16 of July instant to the hous of Barns, entered within the same, cutted the chamber doore beside the upper hall with his sword, and finding he could not gett entrie he layed a trayne of poulder and sent for broom and coales to have blowin the same up, discharged and shott his pistolls at the glasse windowes, and in this insolent maner behaved himselfe till the Earle of Wintoun came and removed him. Quhilk is ane wicked and dangerous attempt and deserves exemplarie punishment." Charge having been given to the persons named, and Sir Thomas Hope and Lady Lilias Setoun compearing as pursuers, but none of the defenders compearing, the Lords after hearing witnesses find that the said Alexander Seatoun came to the said place of Barns, cut the said chamber door with an axe, laid powder to blow the same up and shot pistols at the doors and glass windows, and for this "verie great insolence" they ordain him to be charged to enter in ward within the tolbooth of Edinburgh within six days on pain of horning until further order be taken with him. P. 114.

Complaint by John Copland at the New Mill of Auchterles and Grissel Urquhart, his spouse, against Robert Thomson, son of Robert Thomson in

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Copland at the New Milne of Achterles and Grissell Urquhart, his spouse, parties grieved, as follows:—The bearing and wearing of hagbuts and pistols is strictly prohibited, yet William Thomsone, son of Robert Thomsone in Bakihill, "having abused the said Johne his daughter, for which he is under the censure of the kirk, and finding that he could not procure the compleanners consent to his unlawfull P. 115.

Decreta, November 1641-October 1646. P. 115.

course he resolved for that caus to take thair lyffes. And for this effect upon the 4 day of Februarie, 1640, understanding that the said Grissell wes going to see her daughter lying in child birth, the said William lay at await for her in the hieway, boddin with a sword, stalffe and gwnne, and without respect to the honest woman her sex and conditioun, with the saids weapons gave her manie bauche, blae and bloodie straikes in divers parts of her bodie to the effusion of her blood and danger of her life, and left her for dead; the report of which comming to the said Grissell her daughters knowledge, she parted with barne and wes also in hazard of her life." The pursuers compearing personally, but not the defender, the Lords after hearing witnesses find that the said William Thomsone "strake the said Grissell Urquhart on the hieway the time libelled with ane souppill, and that he had ane gwnne and a sword," for which they ordain him to be charged to enter in ward within the tolbooth of Edinburgh within fifteen days until order be taken with him, on pain of horning. They also modify payment of £8 to John Forbes, one of the witnesses, and £4 to the other witness, to be paid by the producer.

Bakihill, for assault on the said Grissell.

P. 116.

Complaint by Mr Alexander Johnestoun, advocate, as follows:—On 4th March last John Carruthers of Holmends was put to the horn at the complainer's instance for non-payment of 500 merks with interest and expenses, but he slights the same and goes about uplifting his rents, etc., as if he were a free subject. The pursuer compearing by Stewart, his servant, but not the defender, the Lords ordain the latter to be charged to render his house of Holmends and to enter himself in ward within the Castle of Blacknes within ten dayes upon pain of treason.

Complaint by Mr Alexander Johnston, against John Carruthers of Holmends for contempt of horning.

P. 117.

Supplication by Duncan McRobert Beg V^cFarlane, as follows:—"He served in the Laird of Buchanans companie during the time that the Scotish armie wes in England and hes since caried himselfe honestlie in all respects. Lykeas to testifie his fidelitie and good service he hes latelie apprehended ane murtherer called Johne McFarlane *alias* Blairvoke, who the space of eight or nyne weekes since under cloud of night cruellie murdered Robert Schaw, dwelling under the Earle of Callander, and delivered him to the Laird of McFarlane to be presented to the said Lords." He therefore craves that this apprehension by him may be approved and that a remission in his favour may be passed in Exchequer of all "thifts, depredations, stouthreiffis and ressett of thift committed be him before the last twa yeeres that he entered in service in England." The Lords grant what is craved, the supplicant first finding caution in their Lordships' books for his good behaviour in time coming.

Supplication by Duncan M'Robert Beg M'Farlane for remission of his crimes committed before the last two years on the ground of his recent services.

Supplication by Peter Jope, sailor in Aberdene, as follows:—In April last he represented to their Lordships "his miserable condition upon occasion of the imprissonment of Isobell Robertsone, his spouse, ane excommunicat papist," and their Lordships ordained the magistrates and ministers of Aberdene to release her upon assurance of conformity or removal from the country. This was done, and October 15th is assigned

P. 118.

Supplication by Peter Jope, sailor in Aberdeen, anent his wife, an excommunicated Papist.

to her for this purpose. But she is great with child and about that very time will be brought to bed, when it will be impossible for her to be transported if she do not conform, and the earliest date for her removal will be in the spring about the end of March. He therefore craves their Lordships to prorogate the date. The Lords, after perusal of a certificate to the above effect under the hand of Mr Patrick Dune, doctor of physick in Aberdene, postpone her removal till 31st March next. Decreta, November 1641-October 1646. P. 118.

Supplication by the moderator and presbytery of Stranraer for protection from his creditors to James M'Dougall of Garthland, who has been chosen ruling elder at the coming General Assembly at St. Andrews.

Supplication by the moderator and brethren of the presbytery of Stranrawer, as follows:—They have chosen James McDougall of Garthland to be ruling elder at the next General Assembly at St. Andrewes for their presbytery, and they are informed that he is under some burden of debt and may suffer by going to the Assembly. Lest there should be "ane enlaike upon his absence" they crave a protection for him. The Lords, having also seen a certificate under the hand of Sir Archibald Johnestoun, Clerk to the Assembly, that the said James is chosen ruling elder, as said is, grant warrant as craved, the protection to endure for six days after the rising of the Assembly. P. 119.

Edinburgh, 29th July 1642.

Sederunt:—Chancellor; Angus; Elphinston; Sinclar; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas; Provost of Edinburgh. Acta, November 1641-October 1646. Fol. 56, b.

Charge to his Majesty's Justice to pass sentence of fining on Mr. James Mowat of Ollaberrie and others for mutilating Mr. Patrick Cheyne of Volay and Laurence Cheyne.

"The Lords of Privie Counsell, haveing seene and considerit the act of conviction, quhairby Mr James Mowat of Ollaberrie, Ninian Neven of Windhous and John Neven, his brother, are convict before the Justice of the mutilating of Mr Patrick Cheyn of Valay and Laurence Cheyn, and wardit for the same, till the Councell give the Justice thair advyce anent the sentence to be pronounced against the saids three persons for the said mutilation, and haveing likewayes hard Mr Allexander Colvil, his Majesties Justice Deput, heir anent, and being weele and throughlie advysit in the mater, the saids Lords advyses his Majesties Justice to pronounce doome and sentence against the saids three persons by fyneing thame in the soume of ane thousand punds to the parties mutilat, and three hundreth merks to his Majestie for the said cryme of mutilation, and to take caution of thame for keeping the peace under the paines following, the said Mr James Mouat under the paine of tua thousand merks, and either of the other tua persons under the paine of fyve hundreth punds, and that they remaine in warde till they pay the saids fynes and find the said caution, as also for passing thair remission for the said mutilation."

Edinburgh, 17th August 1642.

Sederunt:—Chancellor; Argyl; Marischal; Morton; Cassills; Glencairne; Lauderdail; Sinclar; Burley; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchton; Provost of Edinburgh.

The transport of artillery to Ireland.

"The Lords of Privie Counsell recommends to the Commissioners for

Acta, November 1641–October 1646. Fol. 56, b.

the Common Burdens to take some speedie and present course for provyding and furnisheing all suche things as may further the dispatche of the Generall of the Artellierie and the transport of the artellierie into Ireland."

Mr. Robert Meldrum appointed secretary to the Lord General.

"The Lords of Privie Counsell, considering how necessar it is that some able and qualified person be employed as secretarie to the Lord General, and knawing perfytlie the abilities and faithfulnes of Mr Robert Meldrum to discharge that office, quhairof he hes given sufficient proofe in his last employment this tuo yeeres bygane, they have thairfore made choise of the said Mr Robert to supplie the office of secretarie to the Lord General, and for his more speedie dispatche thither recommends to the Commissioners for the Common Burdens to give him satisfaction for his bygone service and some competent allowance for this present employment."

Dispensation anent the ingathering of annuities.

"Forsameikle as be act of Parliament made in the moneth of Junij, 1633, the annuitie of tithes quhair the same is unvalued is ordaned to be uplifted for ane interim till the valuation be exped, according to the fyft part of the present rent, to be provin be the oathes of the heretors, lyfrenters and others addebted in payment thairof; lykeas the Lords of his Majesties Exchecker hes be thair act of the date the day of 1642 ordand letters of horning and poyndeing to be raised at

Fol. 57, a.

the instance of his Majesties right trust cousin and counseller, John, Earle of Loudon, Lord Heich Chanceller of this kingdome, to whome his Majestie hes given commission under the great seale for uplifting and ingaddering the saids annuities of tithes, and thairwithall hes ordaned the oathes of the heretors, lyfrenters and others addebted in payment thairof (quhair the same are unvalued) to be taken before the shireffs, stuarts and baillies of the shirefdomes, stuarties and baillieries quhair they dwell, or thair deputs or before the commissars or thair deputs, or before the provest and baillies of burrowis or anie one of thame, as the said act of Exchecker at more lenthe proports; and quhairas the said Lord Chanceller is to follow out that service with all diligence and that the saids shireffs, stuarts and other judges forsaid may not sit and hold thair courts in this feriat tyme, nor in no other vacant tyme heirafter for takeing of the saids oathes dureing the tyme of the prosecutting of the said commission, thairfore necessar it is that dispensation be granted in maner afterspecifeit. In regarde quhairof the Lords of Secret Counsel hes dispensed and be thir presents dispenses with the saids shireffs, stuarts, baillies, commissars and thair deputs, and with the saids baillies of burrowis to sitt and hold courts for takeing the oathes of the heretors, lyferenters and others addebted in payment of the saids annuities of tithes conforme to the act of Parliament and Excheker forsaid, and that dureing this present feriat and vacant tyme or dureing anie other feriat and vacant tyme heirafter so long as the service of the said commission sall endure."

Money for the army in Ireland.

"A letter from the Commissioners anent some moneyes to be putt over to the armie and some orders givin to William Thomsone." Sederunts, February 1635-November 1643. Fol. 94, b.

George Arnott's letters of reprisal against Hamburg. See *ante*, p. 263.

"A letter from the Commissioners desyring the letters of reprisall granted to George Arnot, etc., aganis the State of Hamburgh to be superseeded till the 22 of this instant that thair commissioner come heir and be heard, whereanent ordanis Andro Ainslie and George Arnot to be warned."

Intromitting with the goods of merchants in Ireland.

"A letter from the Counsell of Ireland to the Lord Chancellor anent some goods belonging to merchants thair intrometted with be Johne McAdam and brought over from Ireland to Air. Ordanis letters to be direct at the parteis instance aganis the havers of the goods, and the provest of Air to be warned to appeare in the afternoone heeranent."

Request from the General in Ireland that the artillery be transported there with all haste.

"A letter from the Generall anent the caise of affaires in Ireland, desyring the Generall of the Artillerie with the ammunition to be sent over in haist. Ordanis the said Generall of the Artillerie, William Thomson and Mr Robert Meldrum to be warned to attend in the afternoone upon this mater."

Edinburgh, 18th August 1642.

Sederunt:—Chancellor; Marishal; Argyl; Cassills; Glencairne; Lauderdail; Sinclar; Burley; Balcarres; Clerk Register; Advocate; Treasurer Depute. Acta, November 1641-October 1646. Fol. 57, a.

Approval by the Council of the petition by the General Assembly held at St. Andrews to the Parliament of England in favour of unity of religion in the three kingdoms.

"The Lords of Privie Counsel, haveing hard and considerit the petition this day given to thame in name of the late General Assemblie haldin at St Andrews be thair commissioners appoynted for that effect desyring the Counsell to concurre with thame in thair remonstrance to the Parliament of England towards the setling of unitie in religion and uniformitie of church government in his Majesties three kingdomes, and haveing also hard the petition direct frome the said Assemblie to his Majestie with thair answers to the Parliament of England, the Scots Commissioners of the treattie at London and certane ministers of England concerning this mater, and findeing the reasons thairin exprest to be verie pregnant and the particular desyred muche to conduce for the glorie of God, the advancement of the true christian faith, his Majesties honor, and the peace and union of his dominions, the saids Lords, out of thair duetie to the furtherance and advancement of so muche wished and important a worke and affection to thair bretheren of the kingdome of England, doe unanimouslie and hartilie concurre with the said National Assemblie in thair earnest desyrs to the honourabill Houses of the Parliament of England to take to thair serious consideration the particular forsaid tuicheing unitie of religion and uniformitie in kirk governement in the saids three kingdomes as a singular meane of his Majesties honor, the good of the true christian faith and happines of his Majesties dominions, and to give favorable heiring to suche desyrs and overtures as sall be fund most conduceable for the promoveing of so great and good a worke." Fol. 57, b.

Acta, November 1641–October 1646. Fol. 57, b.

"The Lords of Privie Counsell, haveing tane to thair consideration the estate of the armie in Ireland and, being carefull to sie everie thing done quhilk may conduce for the good of the armie, doe declare that if the troubles in England sall be suche as may make the Parliament remisse or faile in performeing the articles of the treattie, that this kingdome and the Councel, according to the trust reposed in thame be his Majestie and the estats, will to the utmost of thair power labour to sie all meanes used for furnisheing of victuall to the armie and performeing the haill articles of the treattie."

Resolution of the Council to continue supplies to the army in Ireland even if the Parliment of England should be remiss in fulfilling the articles of the treaty.

"The Lords of Privie Counsell gives commission be thir presents to the Lord Chanceller with anie tua of the Councell to bargane with merchants and others for furnisheing and transporting of ten thousand bolls oat meale to Ireland for the use of the Scots armie thair, with power to the said Lord Chanceller with anie tua of the Councell, as said is, to give command to skippers and mariners to transport the said victuall, and upon thair refuisall to compell thame thairto upon reasonabill pryces. And the saids Lords declars that what sall be done in this erand be the Lord Chanceller, as said is, the same sall be haldin and allowed as done be the haill Counsell."

Commission to the Lord Chancellor and any two of the Council to transport 10,000 bolls of oatmeal to the army in Ireland.

"Forsomuche as thair are certane good acts made be his Majestie and his predecessors of good memorie verie muche conduceing to the glorie of God, the punishment of vyce and common weale of the realme, whiche heirtofore have tane small effect in default of special commission to executte the same, as is necessar in everie particular landwart parish; for remeid quhairof the Lords of Privie Counsell have made and constitutte, and be thir presents maks and constitutts Sir Umphra Colquhoun of Balvie, Walter Douglas of Forgiston, John Colquhoun of Kilmardini, Hew Crauford of Cloberhil, Andro Stirline of Law, John Knox in Bornis, John John in Clober, Patrick Calwhoun in Miltoun, Walter Colquhoun of Bornehil and Robert Brounsyd in Gawinburne, or anie three of thame his Majesties justice in that part within the parish of Kirkpatrick, with power to thame to putt the acts of Parliament underwritten to execution, viz.:—anent the cryme of fornication, anent drunkards, anent the swearers of abominable oathes, anent thame that perturbe the kirk in tyme of divyne service, anent thame that knowis thameselfes under the processe of excommunication, dischargeing of mercats and labouring on Sunday, playing and drinkeing in tyme of sermon, that housholders have bibles and psalme books, for punisheing of strong and idle beggars, and releiffe of the poore and impotent within the bounds of the said parish; and for this effect to fence and hold courts, and to creat officers and members of court neidfull, assyses and witneses als oft as neid beis, ilk person under the paine of tuentie shillings to summond, warne, choose and caus be sworne, the unlawis and amerciaments of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynd and distrenzie, and to the support and releiffe of the poore within the said parish to apply, and generallie all

Appointment of a commission for the space of a year to enforce the acts of Parliament anent church discipline.

Fol. 58, a.

and sundrie other things to doe, exerce and use quhilks for the execution of the saids acts are requisit and necessar, firme, etc. This Commission for the space of ane yeere nixt after the date heirof, and ay and whill the same be speciallie dischargit to endure." Acts, November 1641-October 1646. Fol. 58, a.

Edinburgh, 18th August 1642.

[Omit Marischal in *Sederunt*.] Sederunts, February 1635-November 1643. Fol. 94, b.

Victualling of the army in Ireland.

"The Counsells declaration to furnish the armie with victuall if the Parliament of England doe not the same."

Edinburgh, 19th August 1642.

Sederunt:—Chancellor; Argile; Mairshell; Cassills; Glencarne; Burlie; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchton. Fol. 95, a.

Commissioners for the Kirk and a pamphlet published in England to which they drew the Council's attention.

"The quhilk day the Commissioners for the Kirk compeirand before the Counsell declared that they, being entrusted be the Generall Assemblie to represent to the Counsell such things as they sould learne that might conduce to or marre the peace of the twa kingdoms and that having seene a pamphlet entituled, etc., quherof there wer some copeis printed at York and others at Londoun quherin this nation is much concerned they could not but represent the same to the Counsells consideration."

Edinburgh, 20th August 1642.

Sederunt:—Chancellor; Hamilton; Argyl; Marischal; Cassills; Glencairne; Lauderdail; Sinclar; Burley; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton. Acts, November 1641-October 1646. Fol. 58, a.

At the request of the Commissioners for the Kirk the Council ordains a meeting of the Commission for conserving the peace of the two kingdoms.

"The Commissioners frome the Generall Assemblie haveing, according to thair commission, earnestlie entreatted the Lords of Privie Counsell to thinke upon the wayes quhairby the Commissioners appoynted be the Kings Majestie and the Parliament for conserveing the peace may be conveened, quhairthrow they may have occasion to present thair supplication to thame for thair best endevors and concurse that be all possible meanes ane happie setling betuix his Majestie and the Parliament may be endevored and the common peace betuix the kingdomes continowed and strenthened, and the saids Lords haveing tane the same to thair consideration and being desyrous and willing that all faire and good meanes be used to prevent trouble and division whiche may interrupt or endanger the common peace of thir kingdomes, thinke fitt that the Commissioners for the peace sall conveene in convenient tyme for discharge of that trust committed to thame be the King and Parliament, and that the Lord Chanceller advertise thame to that effect."

Edinburgh, 20th August 1642.

[Sederunt as recorded above.] Decreta, November 1641-October 1646. P. 119.

Direction anent the property of

"Forsamekle as in the moneth of December last William Bucklie, Johne Parrie, Robert Wright, John Johnsone, Nicolas Gallmore, and Johne

Decreta, November 1641-October 1646. P. 119.

Wakefeild, inhabitants in and about the citie of Dubline, did embark thair truncks, chests and houshold stuffe in the post bark belonging to John Smith to have been transported to Wales and preserved there frome the rebells in Ireland, this bark by storme of weather wes drivin on the coast of Gallouay neir to the toun of Whittorne and the goods landed there which ar now in the possession of the Countesse of Craufurd and others countrie people thereabout. And whereas thir persons have directed William Johnesone, thair procurator, to sue for thair goods according to the particular inventars quhilks he hes frome thame, therefore the Lords of Privie Counsell gives commissioun be thir presents to the Shireff of Galloway and his deputs, James Chalmers of Gatgirth, and James McDougall of Garthland, or anie twa of thame to try and searche where anie of the goods conteaned in the saids inventars ar and in whois hands, and quhair the persons ar responsall that they arrest the saids goods in thair hands to be furthcoming, as law will, and, if they be not responsall, to take good caution of thame to make the goods being in thair possession furthcoming, and faillieing of finding this caution to sequestrat the same in some responsall hands for the behove of the partie; and that the saids commissioners report thair diligence heerin with all conveniencie."

certain persons in and near Dublin which had been conveyed in a ship wrecked on the coast of Galloway.

Acta, November 1641-October 1646. Fol. 58, a.

Sederunt:—Chancellor; Hamilton; Argyl; Cassills; Lauderdail; Louthian; Dalhoushie; Angus; Balmerino; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchton; Dundas; Provost of Edinburgh.

Edinburgh, 21st September 1642.

"The quhilk day, in presence of the Lords of Privie Counsel, compeired personallie John, Lord Maitlane, and produced and exhibit ane answer sent frome the Parliament of England to that declaratione sent frome the Councell tuicheing unitie of religion and uniformitie of church governement in all his Majesties dominions. Of the quhilk answer the tenor followeth:—

Answer of the Parliament of England to the declarations of the Council and the General Assembly anent unity of religion.

"The Lords and Commons in Parliament have with approbation and thanks ressaved frome the Commissioners of the kingdome of Scotland a cleare manifestation of the respect whiche the Lords of his Majesties Secret Counsell for that realme doe beare to the weelfare and peace of this kingdome in the expression of thair affections quhairwith they were pleased to record the desyrs of the General Assemblie of that church for unitie in religion and uniformitie in church government in his Majesties three kingdomes. And haveing often had that matter in debate and our most serious consideration, the christian advyce of that reverend Assemblie and the grave Counsell of that honourabill table,

Fol. 58, b.

concurring with our awne judgment and experience of the manifold mischiefs and distractions whiche the governement of the prelacie of this kingdome hath in all tymes and ages produced in this church and state, have moved us to bring our resolution to a more speidie maturity and

conclusion, wherein, as wee have satisfied our awne reason, so wee hope we sall satisfie the loveing and christian desyrs of our brethren of Scotland, altho wee know that heirby we sall exceedinglie irritatt that opposit and malignant partie who will bend all thair invention and force to interrupt this worke and to ruin and destroy us in the undertakeing of it. And wee desyre thair Lordships consider that the partie whiche hath now incenst and armed his Majestie against us and his other faithfull subjects in this kingdome is the same whiche not long since, upon the same verie designe of rooting out the reformed religion did endevor to begin that tragedie in Scotland, whiche, whensoever it sall be perfytted in either nation, will easilie be accomplished in the other, religion being the band and foundation of the saiftie and happines of both. And as wee resolve, according to the national covenant betuix the two kingdomes, to be carefull of the peace of Scotland as of our awne, so wee doubt not bot thair Lordships and the nation of Scotland will be carefull to expresse thair brotherlie kyndnes to us and prudent care of thameselfes by restraineing the evill affected amongst thame, that they may not foment our troubles; and be all other wayes according to the articles ratified in the Parliaments of both kingdomes to mainteane the peace and amitie betuix the two nations and to restrayne the mischievous attempts and practises of those who are enemies to both, that so, through Gods blessing, wee may mutuallie rejoyce in one anothers happines, and yeild his Majestie suche a faithfull subjection as may be honourabill to himselfe, comfortable to his people, [and] advantageous to the professors of the reformed religion in other parts beyond the seas.* *Subscribitur* Jo. Broune, *Cleric. Parliamentor.*" Acta, November 1641-October 1646. Fol. 58 b.

Letter from his Majesty anent the recall of the Commissioners in London, objecting to the Council's resolution to let two of them remain there.

"The quhilk day the Lord Chanceller produced and exhibit in presence of the Counsell the missive letter underwritten, quhilk being red and considerit be the said Lords, they have ordand ane answer to be written to his Majestie of the tenor following. His Majesties letter and the ansuer thairto:—CHARLES R.—Right trustie, etc. By your letter of the 18th of this instant we find yow are resolved to recall our Scots Commissioners at London, bot for some reasons yow have thought fitt to stay thair tuo of thair nomber. As yitt wee cannot sie in what qualitie they are to be employed, for as commissioners frome us and our Parliament of Scotland wee conceave they cannot, for they, not being a *quorum* have not power to treat, and in that qualitie can neither presse the provyding of the Scots armie in Ireland nor payment of the remainder of the brotherlie assistance; and if yow employ thame thair as commissioners frome your selfes out of a necessitie of keeping a correspondence betuix yow and our houses of Parliament, wee know not anie suche power in yow without us; for certanlie if thair be a necessitie of employing anie suche thair, the nomination of the persons is undoubtedlie in us; for sall wee have lesse power in our Secret Councell then in the great counsell of our kingdome, our Parliament. No, wee are confident no suche question will ever aryse amongst yow. And thairfore wee Fol. 59, a.

Acta, November 1641–October 1646. Fol. 69, a.

expect yow will againe take this to your consideration and either, be recalling all our commissioners, take away the cause of this dispute, or, by showing us a necessitie of employing some there, give us occasion to nominat and make choise of suche persons as salbe without all exceptione fitt for that employment. So wee bid yow hartelie fareweil. Frome our Court at Nottinghame, the 26 of August, 1642."

Reply of the Council to his Majesty's letter stating that it is requisite that certain commissioners shall remain in London to have a care of supplies for the forces in Ireland.

"Most sacred soverane, As by our other letter of the 18th of August wee did signifie to your Majestie the necessitie of the stay of tua of the commissioners at London, so now that your Majestie may cleirlie perceave that what wee have done in this is agreable with the tender respect and duetie wee ow your Majestie, wee conceave our selfes bund to represent to your Majestie that wee are sufficientlie warrandit and authorised be a special commission frome your Majestie and your Parliament to have a care of what is necessarie for these forces sent frome this to Ireland, and to sie that the treattie for Ingland for thair enterteanment be performed. And considering that the distractions quhilks are now in England will be a great lett to the tymous provision of the pay and enterteanment of the armie, and how requisit it is that some be thair to remember and solicit the Parliament for performance of these conditions agreed unto in the treattie, wee trust your Majestie will see that wee have beene so farre from stretcheing our selfes beyond our power in enjoyneing some of the commissioners to stay, both for this and for receaveing the remainder of the brotherlie assistance (whiche is lykewayes warrandit be a commission frome your Majestie and your Parliament), as if wee had neglected the same wee could not have beene answerable to that trust imposed on us be your Majestie and the Parliament, who have no other end bot the good of your Majesties service, and that wee may acquyt our selfes as becometh your Majesties most humble and faithful subjects and servants. Edinburgh, 28 September, 1642."

Edinburgh, 21st September 1642.

[Add to *Sederunt* the Justice Clerk and Cambo.]

Sederunta, February 1635–November 1643. Fol. 95, a.

Lord Banff's patent.

"Act anent the production of the Lord Bamffs patent."

Answer of the Parliament of England to the Council and General Assembly.

"Ane ansuer from the Parliament of England to the Counsells declaration anent unitie in religion and uniformitie of kirk governement quhilk wes givin to the Lord Maitlan to be showin to the Commissioners of the Assemblie."

The printed band at York.

"A letter from the Secretar anent the printed band at York."

The Earl of Antrim.

"A letter from the Commissioners anent the Erle of Antrim."

George Arnott's letters of reprisal.

"A letter from the State of Hamburgh anent George Arnots reprisalls."

Provisioning of the army in Ireland and the Earl of Antrim.

"A letter from the Generall anent the provision of the armie and Erle of Antrim."

Edinburgh, 22nd September 1642.

Sederunt:—Chancellor; Marquis of Hamilton; Marquis of Argile; Cassills; Lauderdaill; Lothian; Dalhoussie; Angus; Balmerinoch; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas; Cambo; Provost of Edinburgh. Decreta, November 1641–October 1646. P. 121.

Complaint by Thomas Corsan in Hessilfield to the effect that he has been illegally summoned to appear before the Steward of Kirkcudbright and his deputes.

Complaint by Thomas Corsan in Hessilfeild, as follows:—He has been charged to find caution for compearing before the Steward of Kirkcudbright and his deputes on 20th September instant to underlie the law P. 122. at the instance of John Mellighame, procurator fiscal of the stewartry, for some alleged points of theft and reset to be laid to his charge at his compearing; and that most wrongfully, inasmuch as the principal stewart having farmed that office to John Redick of Dalbetie and his two deputes for sums of money, they for their own advantage do ordinarily summon "the most part of the poore men in that bounds before them of purpose ather to draw them under submission or hazard of the law, as may appeare by this generall citation, quhilk is in effect *super inquirendis* and so contrare to the law." Further, the said steward and his deputes have no commission against the complainer, and without such in a matter of this kind they cannot proceed against him, and he is ready to answer in a lawful court upon fair trial to anything that can be laid to his charge, for which effect he has found caution in the books of Adjournal to compear before the Justice and his deputes whenever required. Charge having been given to the said John Redick and John Mellighame and the pursuer compearing but not the defenders, the Lords, in respect of the absence of the latter and that the pursuer has found caution to appear before the Justice, advocate the cause to his Majesty's Justice, and discharge the defenders from further medling therein.

Complaint by William, Earl of Lanark, anent the appointment of a sheriff-clerk by the sheriff-depute of Lanark—the said office being legally in the gift of the sheriff-principal.

Complaint by William, Earl of Lanrick, Secretary, Alexander Hamilton of Hags, sheriff principal of Lanerick, and Bartholomew Roberton, sheriff clerk thereof, as follows:—Although the said Secretary of his Majesty's special gift has the privilege of creating sheriff clerks vacant within this kingdom, and that the said sheriff principal has his Majesty's gift of that office not as yet discharged, with power of making deputes and of uplifting the fees and casualties of the said office, and that the said sheriff clerk has also his gift for his lifetime and has held the said office for these forty years, yet Mr John Carmichaell, Commissary of Lanerk, upon a gift of sheriff depute of the said sheriffdom *ad vitam* which he has "sinistrouslie procured, and not allowed be his Majesteis Counsell and not being sworne be them for that service, he hes at his owne hand entered to the same and creat one Johne Hamilton, notar, to be his clerk, keepes courts, takes up the fees and unlawes thairof," and they not only abuse his Majesty's lieges but also encroach upon the complainer's offices. Charge having been given to the said Mr John Carmichaell and John Hamilton, the said Earl of Lanerk compeared by P. 123.

Decreta, November 1641-October 1646. P. 123.

George Halden, and the said Alexander Hamilton of Hags and Bartholomew Roberton personally, who produced a letter from the said Mr John Carmichaell to the said Bartholomew, "wherein he affirmed that his gift is als good as anyes of the kingdom and he hes als good right to judge thereby not transgressing the limits therein as anie of the Lords of Sessioun hes power by their gifts proceeding from the same king, acknowledging also that he hes sett doun a clerk; and the said Mr Johne compeirand personallie, who produced his gift under the privie seale of the date at Beverlie the 18 day of July last, whereby he is constitut shireff deput *ad vitam*, with power to uplift the fees and casualiteis,

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penalteis and bloodweitts and all others belonging to the said office, and to creat substituts ane or mae; and did also acknowledge that he had keeped court, his gift not being allowed be the Counsell nor he sworne and admitted be them, and that he had also created the said Johne Hamiltoun clerk, who was personallie present and produced the act of his creatioun of the date at Lanark the 23 of August last," the Lords after hearing parties, and "finding the said Mr Johne his gift to be derogatorie to the office of the principall shireff, who being changable is liable for the service, the sheireff deput notwithstanding being constant *ad vitam* and not allowed nor lawfullie admitted be the Counsell and that he hes keeped court and creat a clerk without power or warrant, therefore they suspend the said Mr Johne his gift and discharges him from execution of that office till the Counsell be farther advised and his Majestie be acquainted with the mater and his farther pleasure knowin therein; for which purpose ordanis a letter to be writtin to his Majestie."

Acta, November 1641-October 1646. Fol. 59, a.

Sederunt:—Chancellor; Hamilton; Argyl; Cassills; Lauderdail; Louthian; Dalhoushie; Angus; Balmerino; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchton; Dundas; Provost of Edinburgh. Edinburgh, 22nd September 1642.

Sanction of two contracts for the transport of oatmeal for the use of the army in Ireland.

"The Lords of Privie Counsell, haveing red and considerit the tua severall contracts after specifeit, viz.:—One made betuix the Lord Chanceller be warrand and in name of the Councell, on the one part, and Mr Robert Ferquhar, burges of Aberdene, and James Stuart, merchant burges of Edinburgh, on the other part, anent the furnishing three thousand bolls oat meale, and so muche more as the saids merchants are able to furnish not exceeding fyve thousand bolls, for the use of the Scots armie in Ireland; and the other contract made betuix the saids Lords Chanceller and Marques of Argyle be warrant and in name forsaid, on the ane part, and James Hamilton of Boigs, George Porterfeild, burges of Glasgow, and John Thomeson of Sweithope, on the other part, anent the furnisheing of fyve thousand bolls meale for the use of the said armie; and being weele advysed with the saids tua contracts, the saids

Fol. 59, b.

Lords allowis of the same, and in token thairof subscryved the same, and

have interpouned and interpons thair auctoritie thairto and to the haill particulars thairin conteand, and the saids Lords declars that after the said meale sall be transported, if they sall understand be the oath of the undertakers that they are loosers in the bargane, the saids Lords will have a care to sie thair losse repaired, and as anie occasion heirafter sall occurre of further furnisheing the armie, the saids Lords will employ the undertakers before anie other." Acta, November 1641-October 1646. Fol. 59, b.

Edinburgh, 23rd September 1642.

Sederunt:—Chancellor; Hamilton; Argile; Cassills; Lothiane; Lauderdaill; Dalhoussie; Angus; Balcarres; Advocate; Treasurer Depute; Justice Clerk; Wauchtoun; Dundas; Cambo. Decreta, November 1641-October 1646. P. 124.

Complaint by Mr. Gilbert Power against Fergus M'Dougall, brother to the Laird of Freuch, and others for a riot in the kirk of Stoneykirk, to which the complainer had been appointed by the General Assembly in reversal of the judgment of the Presbytery of Stranraer.

Complaint by Mr James Bonar, minister at Maybole, and commissioner from the General Assembly for the effect underwritten, and Mr Gilbert Powre, minister at Stanykirk, party grieved, as follows:—The General Assembly which met recently at St Andrewes, taking into their consideration the act of the presbytery of Stranrawer whereby the said Mr Gilbert was suspended from the exercise of his office, found the procedure of the presbytery unwarrantable and appointed the said Mr Gilbert to be reponed. For that effect they gave commission to the said Mr James Bonar to repair to the kirk of Stanykirk and upon the Lord's day, after sermon, to intimate the same to the parishioners. Accordingly, on 21st August he went in a peaceable manner accompanied by some other ministers to the kirk of Stanykirk to fulfil "so religious and weill warranted a commission, yitt it is of truthe that Fergus McDougall, P. 125. brother to the Laird of Freuch, Alexander McCulloch of Ardwell, Anna Ferguson, his spous, Jonnet Cathcart, spous to William Adair in Killaisser, Alexander McDougal of Logane, Jeane Agnew, his spous, Andro and Johne McDougalls, his sonnes, Margaret, Marion, and Elizabeth McDougalls, his daughters Jeane McDougall, spous to Thomas Adair of Cairdyne, Sara Dunbar in Elrig, Issobell Purvance, Jonnet Greg and Margaret Neilsone, servants to Mr Alexander Turnbull, minister at Kirkmadin, Alexander Rae, wobster, Uthrid McDougall of Freuch, Agnes Agnew his spous, Johne Bigholme in Galdinoch, Margaret Aitkine, his spous, Quintene McDougall of Barlokhert, Margaret Hay, his spous, Thomas McDougall, his sone, Marion McDougall, his daughter, Bessie and Issobell McQuhirks thair, Margaret McMillan, spous to John Smart, reader at Glenluce, Jonet McBairns in Park, Jonet Blane, spous to Johne Stuart in , Robert McClerik in Three Merk, Katherine Greg, his spous, Johne Hill in Balgoune, Helene McBryd in My, Jeane McDougall, her daughter, Jonnet McKie in Glenluce, Patrik Campbell thair, with diverse others thair complices, convocated together from severall parishes of sett purpose to hinder this service, did in a tumultuous and violent way enter within the said kirk of Stanykirk and lofts thairof, carying heaps of stones with them, and having cudgells in thair hands, and how soone they perceaved the said Mr James Bonar wes to begin divine

Decreta, November 1641–October 1646. P. 125.

service they furthwith fell out in a barbarous and unchristian forme of brawling and striking of the loft with thair cudgells, calling the said Mr James and the rest of his brethren soul murtherers who had not the Spirit. And when as he offered to show his commissioun from the Generall Assemblie, thinking that they would possiblie have givin some respect thereunto, they then renewed their hideous shoutts and cryes, averring that the true kirk had deposed Mr Gilbert Powre and the false kirk had repouned him least their knaverie sould lykewayes be discovered; and sicklyke gave manie contumelious reproaches to our shireff when as in our name he commanded them silence. And thus continewing in thair tumultuarie cariage and refusing ather to heare prayers, preachings or the act of the Assemblie, the said Mr James Bonar wes forced to come out of the pulpit and with the rest of the ministers and honest people of the parish retired to ane commodious place in the feilds, where they having agane begun divine service, the haill persons foresaids with the like insolent behaviour rushed after them, and having furnished them

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for that end they did cast a number of peitts at them, used all meanes of violence to interrupt Gods worship, strake, hurt and wounded one Michael Adair to the effusion of his blood. And, finding the compleanners still to goe on in the execution of what wes concredit to him be the Assemblie, they wer thereat the more enraged and sent two or three of thair number to protest against thair proceedings and the ordinance of the Assemble which wes thair warrant. Lykeas upon the morne thairafter Andro McDougall of Killaisser did publictlie threatten and avow that if anie bussines or complaint wer made heirupon he sould find fyve or six fellowes to take the said Mr Gilberts life and then flee to Ireland. And upon the Sunday following they did make the like unlawfull convocation of purpose to have tane his life if he had beene there to have preached. Wherethrow as the persons foresaids have unchristianelie abused the Lords hous and day and contemned the act of the Assemblie, so they have committed a great insolence upon the compleanners, for the quhilk they ought to be exemplarlie punished to the terror of others to committ the like." Parties having been cited, Mr Gilbert Power compeared personally for himself and Mr James Bonar, as pursuers, but of the defenders there compeared only the said Alexander McDougall of Logan, Uthrid McDougall of Freuch, Alexander McCulloch of Ardwell, Quinten McDougall of Barlokhart, Andrew McDougall of Killaisser, and Robert McClerie in Three Merk, and the Lords, after hearing parties and their witnesses, find that the said Fergus McDougal, brother to the Laird of Freuch, Agnes Agnew, spouse to the said Laird, Jean Agnew, spouse to the said Alexander McDougall of Logan, Anna Ferguson, spouse to the said Alexander McCulloch of Ardwell, Jean Cathcart, spouse to William Adair in Killaisser, Isobel

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Hay, spouse to Andrew McDougall of Killaisser, Andrew and John McDougall, his sons, Margaret, Marion, and Elizabeth McDougal, his daughters, Isobel Purveance and Margaret Neilsone, servants to the said

Mr Alexander Turnbull, Margaret Hay, spous to Quinten McDougall of Barlokhart, Thomas McDougall, his son, Marion McDougall, his daughter, Margaret McMillan, spouse to John Smart, reader at Glenluce, Sara Dumbar in Elrig, John Hill in Balgoune and Alexander Rae, wobster, "having cudgells and accompanied with diverse others to the number of threttie persons or thereby came the time libelled to the kirk of Stanykirk, possest the lofts and seates in the kirk resolved to oppose the repouning of the said Mr Gilbert Powre, and, when Mr James Bonar entered and satt doun on his knees in the pulpitt, they made a great din by striking on the lofts and seates with thair cudgells and hideous cryes, crying Soule murderer, affirming that the Spirit wes gone frome the said Mr James, that the true kirk had deposed Mr Gilbert Powre and the false kirk and a corrupt committee had repouned him, and that none would repone the said minister but such as wer guiltie of his crimes and feared to be deposed for the same, with manie other contumelious speeches and cursings; so as the said Mr James wes forced to goe out of the pulpitt to the kirkyaird to preach, whither a number of the saids persons followed him and renued thair railings, kuist a peitt at him; and that the said Jonnet Cathcart protested for herself and the rest aganis the ordinance of the Assemblie; and that thereby they have committed ane insolence of proud contempt and dangerous consequence and deserving most exemplarie punishment." The Lords therefore ordain these persons to be charged to enter within ward in the tolbooth of Edinburgh (the husbands, masters and fathers of such as are not forisfamiliated to cause those for whom they are answerable to obey), and there remain until order be taken with them, and that within fifteen days, wherein if they fail they are to be put to the horn and escheated. Further, they ordain the said Mr Gilbert Powre to be reponed to his ministry, conforme to the order of the Assembly, with convenient diligence, and the defenders who were personally present are ordered to find caution in £1000 that they will assist herein, and that neither by themselves nor any for whom they are responsible will they oppose the same or do any injury to the said Mr Gilbert. They are also to pay twenty merks to each of the witnesses for their expenses.

Decreta, November 1641–October 1646. P. 127.

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Complaint by the bailies of the Canongate and the magistrates of Edinburgh anent a charge to search for tobacco pipes made by any other than Mr. Banks, who claims a monopoly in the same.

Complaint by the bailies of the Cannogait and the provost and bailies of Edinburgh for their interest, as follows:—The bailies of the Cannogait are charged to concur with and assist Mr Banks in searching for tobacco pipes made by any other than himself within this kingdom and to seize the tools wherewith the same are made, especially the pipes and tools belonging to Richard Calder in the Cannogait. This charge they cannot warrantably obey because in the late Parliament the patents granted to the Earls of Mar and Linlithgow with those "for pearling pearle and tobacco and all other monopoleis granted or to be granted for the benefit of particular persons to the prejudice of the publict ar discharged and declared ineffectuall. And this patent of Mr

Decreta, November 1641-October 1646. P. 128.

Banks is of that nature whereby he assumes to himselfe the sole making and selling of tobacco pypes for his own benefit to the prejudice of others who are able to serve the countrie; and upon this occasion his patent cannot but be greevous to his Majesteis leiges since by the same they ar tyed to him and to his prices quhilks he imposes at pleasure, whereas the libertie of trade would make these pypes a great deale chaiper. Secundlie, upon the knowledge of this act of Parliament Gilbert Fraser and Robert Tait, merchants in Edinburgh, have brought in the said Richard Calder, thair countrieman, and have erected workes

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for him and he hes thereupon made great quantitie of tobacco pypes, whairof the said Mr Banks, upon the 16 of this instant, did verie presumptuouslie breake a great number; and it is verie hard to the compleanners to prejudge thair owne inhabitants in the benefit of thair undertaking flowing from ane act of Parliament for the particular of a stranger and his monopolie." Charge having been given to the said Mr Banks, and he compearing and also the pursuers by Sir Alexander Clerk, provost of Edinburgh, the Lords, after hearing parties, remit the determination of this matter to his Majesty and the Estates in the next Parliament. Meanwhile they discharge all others his Majesty's subjects "to work or make anie tobacco pypes conforme to the tenor of the said defender his patent, and ordains the letters foresaids granted thereupon to be putt to further executioun."

Complaint by William Baillie of Carphin, Thomas Walker in Stonehouse, his officer, and Arthur Hamilton, messenger, against Cuthbert Alston in Stonehouse, and Archibald Calder, his brother, for various offences committed against each of the complainers.

Complaint by William Baillie of Carphin, Thomas Walker in the town of Stanehous, his officer, and Arthur Hamilton, messenger, as follows:—On 23d September, 1641, Cuthbert Alstoun in Stanehous town and Archibald Alstoun in Cander, his brother, with others came to the town of Stanehous where the complainer had caused build a stable for his horse and demolished the same. Further, on 23rd August last, when the said William Baillie was "executing his Majesteis letters and warrant of the Committee of Estats for payment of the twentie pennie," these two brothers "malapertlie and violentlie deforced the said messenger with swords and daggers and wounded him, publictlie avowing that they would not regard his Majesteis letters nor no execu-

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tioun of the same so long as they could stand." And on 9th September instant the said Cuthbert Alstoun came by way of hamesucken under silence of night to the said Thomas Walkers house, and, "becaus he affirmed that he wes servant to the compleanner, he not onelie threatned him with injurious speeches but also drew ane whinger resolved to have slane him if he had not been hindered." The said William Baillie compearing for himself and the other pursuers, and the defenders being also personally present, the Lords, after hearing parties and certain witnesses for the pursuit, find that "the said Archibald Alstoun invaded and pursued the said Archibald Hamiltoun, messinger, and strake at him with a drawin sword in the executioun of his office the time libelled, and that the said Cuthbert pursued and strake at the said Thomas Walker with a drawin whinger at that same time and uttered minassing

speeches aganis them, and that both the saids brether with thair complices violentlie deforced the messinger and tooke from him foure ky and three stirkes quhilks the messinger had poynded," and they ordain them to be warded in the tolbooth of Edinburgh till further order be taken with them, and until they pay one dollar of modified expenses to each of the witnesses. But they assoilzie the said Arthur [*sic*] of the two points of the complaint touching the demolishing of the stable and pursuit of Thomas Walker in his house, because, on probation of these being referred by the pursuer to the said Cuthbert's oath of verity, he denied the same.

Decreta, November 1641–October 1646. P. 130.

Sederunts, February 1635–November 1643. Fol. 96, b.

Edinburgh, 23rd September 1642.

[Sederunt as recorded above, adding the Clerk Register.]

Edinburgh, 24th September 1642.

Sederunt :—Chancellor; Cassills; Dalhoussie; Angus; Advocate; Treasurer Depute; Justice Clerk; Wauchton; Dundas; Cambo.[1]

Decreta, November 1641–October 1646. P. 131.

Complaint by Alexander Seton, son to Sir John Seton of Barns, at whose instance he is warded in the Tolbooth of Edinburgh, to the effect that while in ward he cannot prepare his defence.

Complaint by Alexander Seatoun, son to Sir John Seatoun of Barnes, as follows :—Upon a charge at the instance of his said father and Dame Lilias Seatoun, his sister, he has been warded in the tolbooth of Edinburgh till order be taken with him for his alleged breaking some doors of his father's house and shooting pistols thereat, out of which ward he ought to be released because this charge proceeded "upon the depositions of certane witnesses who wer servants for the time to his said sister, being partie at least to Sir James Ramsay, knight, now her husband and then in sute of her; and so could not in law be the ground of anie sentence aganis him." Moreover, the prosecution is only made to bring him into greater difficulty, either of horning through disobedience, whereby he will debar himself from the necessary and just action of maintenance he has raised against his father before their Lordships on Wednesday next, or of forcing him to relinquish that pursuit to his utter undoing. In the said action he must use his best diligence for the information of their Lordships and advise with his advocates, and, as he cannot do this while he is a prisoner, he is content to find caution to underlie their Lordships' pleasure next Wednesday. Charge having been given to the said Dame Lilias Seatoun, and both pursuer and defender compearing personally and having been heard, the Lords, upon the pursuer finding caution in £1000 to appear upon the first Tuesday of November next and for the indemnity of his father, and his men, tenants and servants meanwhile, ordain the provost and bailies of Edinburgh to liberate him in so far as he is warded for the above cause.

See *ante*, p. 310.

Edinburgh, 24th September 1642, *ante meridiem*.

Sederunt :—Chancellor; Argile; Cassills; Lothian; Lauderdaill; Dalhoussie; Angus; Balmerinoch; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas; Cambo.

Sederunts, February 1635–November 1643. Fol. 96, b.

[1] This is a *post meridiem* Sederunt.

Sederunts, February 1635-November 1643. Fol. 96, b.

"The quhilk day Petrus Lutkens, ambassader from the State of Hamburgh, compeired before the Counsell and made relation of his imployment in Latine quhilk he also produced in writt, concerning which the Counsell resolved to give answer at their best convenience quhairof the said ambassador is to be advertised and the partners to have a sight of his papers."

Petrus Lutkens, ambassador from Hamburg, before the Council.

Decreta, November 1641-October 1646. P. 132.

Sederunt:—Chancellor; Argile; Cassills; Lauderdaill; Angus; Balmerinoch; Advocate; Treasurer Depute; Wauchtoun; Dundas; Cambo.

Edinburgh, 27th September 1642.

Supplication by Sir John Smith of Grottell, knight, as follows:—"The great and weightie imployments and services wherein he hes beene exercised since the 1637 year of God, partlie for the toun of Edinburgh, but muche more for the publict, have redacted him to great perplexitie in regard to the heavie burden of publict accompts, and upon that occasion the confusion of his owne privat affairs, so as if it sould have pleased God to call him in this service as he hes latelie done Patrick Bell, his fellow commissioner, the publict could not but suffer and his posteritie be in danger of ruine. The sense whereof doth verie much move him earnestlie to intreat that he may be warranted to come home to sattle his affaires and exoner himselfe of the heavie burden lyes on him." The Lords grant leave to the supplicant to return home to this country and remain for such a time as the Council shall think fit, provided he substi-
P. 133. tute James Campbell in his place "for receaving the brotherlie assistance and others moneyes dew from the Parliament for whom the said Sir Johne sall be ansuerable."

Supplication by Sir John Smith of Grottell for permission to return home to settle his affairs.

Supplication by the postmasters between Portpatrick and Carlisle that John M'Caig may be appointed postmaster at Portpatrick.

Supplication by the postmasters between Portpatrick and Carlill, as follows:—In the month of last order was given by the Parliament of England "for establishing post stages betuix Edinburgh and Portpatrik and Portpatrik and Carlill," and the doing so was laid by some of the Commissioners at Court upon Robert Glencors, merchant burgess of Dumfreis, "as a person who knew best to sattle post stages betuix Carlill and Portpatrik, and who wes also recommended be the provest and bailleis of Dumfreis as the fittest person to be postmaister at Dumfreis, who did thereupon represent the mater to the Scotish Commissioners at Londoun and to the English Commissioners for the affaires of Ireland, who directed him to Mr Burlimakie, maister of the letter office, for agreement anent this service; and so the said Robert wes established postmaister betuix Annand and Dumfreis, 12 myle; and Mark Cook betuix Carlill and Annand, 12 myle: Andro McMin betuix Dumfreis and Steps of Or, 12 myle; Ninian Mure betuix the Steps of Or and Gaithous of Fleit, 12 myle; and George Bell from thence to the Pethhous, ellevin myles; and John Baillie from thence to the Kirk of Glenluce, 13 myle; and John McAig from that to the port, ten myles; which persons are the onelie men fitt for that imployment as being

inkeepers and of approved honestie in these parts, who have done also acceptable service to the Parliament of England since the month of May that they entered to that service, and ar to be payed be them for the same, as by thair orders may appeare and by some letters writtin to the said Robert Glencors from the said Mr Burlimakie, Sir John Cotworthie and others; and this service wes found so necessar that even in time of peace the same wes thought fitting for keeping intelligence with Ireland but stayed be the late Earle of Strafford. And since the supplicants have so long served with the good lyking of England, and they wer also established by motioun of some of the Scotish Commissioners, humblie desiring therefore the saids Lords to ratifie this imployment and to allow the said John McCaig, postmaister at Portpatrik." The Lords finding the desire of the supplication reasonable "and the imployment and service foresaid to be much conducing for intelligence betuix England and Ireland therefore they have allowed and be thir presents allowes of the saids supplicants thair imployments foresaid and of ane post bark to the said Johne McCaig, their fees alwayes being paid to them be the Parliament of England." Decreta, November 1641–October 1646. P. 133. P. 134.

Ante meridiem. Commission to treat with the ambassador from Hamburg.

"The Lords gives commissioun to the Erle of Cassills, the Lord Angus and Lord Register or anie twa of them to heare the ambassador of Hamburgh, Sir George Hamiltoun, Andrew Ainslie, George Arnot, and thair partners anent the reprisals and to report." Sederunts, February 1635–November 1643. Fol. 96, b.

Edinburgh, 28th September 1642.

Sederunt:—Chancellor; Marquis of Hamilton; Marquis of Argile; Cassills; Lauderdaill; Lothian; Angus; Balmerinoch; Wauchton; Dundas; Cambo. Decreta, November 1641–October 1646. P. 134.

Complaint by Hercules Cramond, elder of Balhall, against John Ogilvy of Inschewane for contempt of horning.

Complaint by Hercules Cramond, elder of Balhall, as follows:—On 5th April, 1634, John Ogilvie of Inschewane was put to the horn for non-payment to the complainer of 220 merks and some interest thereof and expenses, and again on 28th January, 1635, for not finding caution of lawburrows in 1000 merks to the complainer, but notwithstanding he goes about peaceably in all parts of the country as he pleases, uplifts his rents, dwells in his houses, and behaves as if he were an answerable and obedient subject. The pursuer compearing by Walter Keir, his procurator, but not the defender, the Lords ordain the latter to be charged to render his house of Inschewane and enter himself in ward within the castle of Blacknes within fifteen days upon pain of treason. P. 135.

Edinburgh, 29th September 1642.

Sederunt:—Chancellor; Hamilton; Argyl; Cassills; Lauderdail; Louthian; Balmerino; Treasurer Depute; Wauchton; Dundas; Cambo. Acta, November 1641–October 1646. Fol. 59, b.

Reply of the Council to the Parliament of England anent unity in religion and

"The Lords of his Majesties Privie Counsell of Scotland, haveing perused the answers of the honourabill Houses of the Parliament of England to the Commissioners of the General Assemblie concerning unitie in religion and uniformitie in church governement, togidder with that whiche wee

Acta, November 1641–October 1646. Fol. 59, b.

sent to thameselfes for that same purpose, doe in all humilitie blesse God for his goodnes, and with all cheirfulnes returne thanks to the Parliament for hearkning to the joynt desyrs of this Kirk and kingdome, and for promoveing this blessed work whiche promiseth so great happines to both kingdomes, that, religion being once setled and the hous of God governed according to his awne will, his wrath will be turned away and all temporall blessings of prosperitie and peace will be abundantlie supperaddit. It is not to be expected bot malicious men, the enemies of religion and all righteousnes, will rage and tumultuat as they have done frome the beginning and late experience hath taught, bot it is muche better in so good a caus to be vexed for a tyme with thair malignant intentions and violent opposition then to have religion, liberties and lawis, his Majesties good subjects and the posteritie prostitutte to thair lusts and trode underfoote at thair pleasure in all tyme to come, whiche the saids Lords acknawledge and have found to be the unnaturall designe of papists, prelats and atheists against both kingdomes, and [it] sould thairfore be impious against God, unrighteous to the kingdome of England and enemies to thameselfes if they sould not by restraineing the practises of common enemies (how soone they sall appeare among thame or be knawin unto thame) and be all good wayes, according to the articles of the treattie and oath of Parliament of both kingdomes, be carefull of the peace and happines of England, as of thair awne. The lyke studie and care hath appeared in the Commissioners for conserveing the peace betuix the kingdomes, and in the Commissioners of the General Assemblie, as will be manifest be thair awne expressions and desyrs sent to the Kings Majestie and the Parliament. In all whiche nothing is intendit nor sought after bot the removeing of the distractions betuix his Majestie and his Parliament, to the good of religion, his Majesties honor and peace of his kingdomes, whiche is and sall be the cheife care and continowed endevor of the saids Lords, according to the special trust and obligation of thair place."

uniformity in church government. See *ante*, p. 317.

Fol. 60, a.

"Forsameikle as his Majesties signet, quhairby all common summonds and other letters are sealled, is become bare and worne, so that the impression thairof cannot weele appeare, thairfore the Lords of Privie Counsell ordans and commands Charles Dickesone, his Majesties sinker, to sinke and engrave in gold a new signet, just conforme to the old ane; quhilk being done, ordans both to be presented to the Councell that order may be given for breaking of the old one, and makeing use of the new one."

Order for the making of a new signet.

Edinburgh 29th September 1642.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 135.

Supplication by Archibald and Cuthbert Alstouns, as follows;—On 23rd September instant they were warded in the tolbooth of Edinburgh for "staying Arthure Hamilton, messinger, to poynd their goods at the instance of William Baillie of Carphin, Collector to the Committee, for

Supplication by Archibald and Cuthbert Alston for release from ward in the Tolbooth of Edinburgh.

alleged not-payment of the tent pennie for the crop 1639." This was not done by them upon any malice or evil intent, "but onelie they having the said William Baillie his discharge of the said tent pennie for quhilk he wes to poynd and of all that could be craved of them for the said yeere, they thought themselves in suretie and that they might lawfullie have stayed the said messinger. And whereas they ar but poore simple men and now thair crop is upon the ground unshorne," they crave the Lords to pity their condition and release them. The Lords ordain the provost and bailies of Edinburgh to put the supplicants to liberty, "they first giving back the poynd tane from the messinger and paying the witnesses expenses conforme to thair decreit," and finding caution each in 400 merks for the indemnity of the said William Baillie, and his men, tenants and servants. Decreta, November 1641–October 1646. P. 135.

Warrant to sheriffs and others to impress idle persons for service in the regiment of the Earl of Irvine in France.

"The Lords of Secrit Counsell, considering how much this nation is concerned in the regiment going for France under the Earle of Irwing, and how that they have promised thair concurrence and assistance for leveying and transporting of the said regiment, and considering withall that the countrie is much troubled with ydle persons and vagabounds who ar a burden to the same and may be usefull in the service foresaid, therefore the saids Lords be thir presents gives warrant to all shireffs, stewarts, bailleis of regaliteis and thair deputs, provests and bailleis of burrowes and others his Majesteis officers and ministers of his lawes to burgh and land to take and apprehend all such ydle persons and vagabounds as sall be givin up to be of that qualitie be the ministers and kirk sessions and magistrates of burrowes within their severall jurisdictions, and to deliver them to the said Earle of Irwing or his officers, who sall be interteanned in meat and cloth sufficientlie be the said Earle and his saids officers till they be transported for the service foresaid." P. 136.

Order for the making of a new signet in gold.

"The quhilk day in presence of the Lords of Secreit Counsell compeired personallie George Halden, keeper of the Signet, and produced the same before the saids Lords all worne and bare, desiring the said signet by warrant of the saids Lords to be renewed and engraven in gold. Lykeas accordinglie the saids Lords ordains and commands Charles Dickesone, sinker of his Majesteis yrnes, to sink a new signet in gold conforme to the stampe and impression of the old; quhilk being done ordains the old to be brokin and destroyed." Sederunts, February 1635–November 1643. Fol. 97, a.

Edinburgh, 30th September 1642.

Sederunt:—Chancellor; Marquis of Argile; Marquis of Hamilton; Cassills; Lothian; Balmerinoch; Advocate; Treasurer Depute; Wauchton; Cambo; Dundas. Decreta, November 1641–October 1646. P. 136.

Supplication by Mr. Alexander Jaffray, provost of Aberdeen, for a warrant to prosecute John Gordon

Supplication by Mr Alexander Jaffrey of Kingswalls, provost of Aberdene, as follows:—Their Lordships were pleased, upon "the opin and avowed rebellion of Johne Gordon of Innermerkie, Alexander Gordon of Carneborrow, and Johne Gordon of Park," to direct letters of treason against them, and the first has been lawfully charged by John Douglas,

Decreta, November 1641–October 1646.

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macer, and the other two by John Spence, Rothesay Herald, with displayed coat of arms in the year 1637 to render their houses and enter in ward in Blacknes Castle. But they are still defiant, to the contempt of authority and prejudice of the complainer in great sums of money. He craves warrant to his Majesty's Advocate to prosecute the persons above named before the Justice General for treason. The Lords give authority and command to the Lord Advocate to do so. Of Innermarkie and others for treason.

The Lords ordain the provost and bailies of Edinburgh to liberate Cuthbert and Archibald Alstoun in so far as warded for the cause before mentioned (*ante*, p. 329), seeing they have found caution for delivery of the poynd and indemnity of William Baillie of Carphin, and have consigned in the hands of the Clerk of Council the expenses of the witnesses. Order to the magistrates of Edinburgh to liberate Cuthbert and Archibald Alston.

Acta, November 1641–October 1646. Fol. 60, a.

Sederunt:—Chancellor; Argyl; Cassills; Lauderdail; Louthian; Angus; Balmerino; Clerk Register; Advocate; Treasurer Depute; Justice Clerk; Wauchton; Dundas; Cambo. Edinburgh, 1st October 1642.

"The Lords of Privie Counsell, haveing red and considerit the letters sent frome the state of Hamburgh anent the letters of reprysall granted be his Majestie and the Parliament against the said state, and haveing lykewayes hard Peter Lutkens, legat frome the said state, and als haveing perused the letters sent frome the Kings Majestie; and recommendation sent frome the Prince of Orange thairanent, and considering that the letters are granted be his Majestie and Estates of Parliament, and cannot thairfore be recalled be the Councell, yit out of the respect the saids Lords caries to the said state of Hamburgh, and that a faire correspondencie and good understanding may be continowed, and the long peace and comerce betuix this kingdome and that state be not interrupted, and in respect of the offers made be the said Peter Lutkens to use his best endevors to procurre just satisfaction to the persewers, the saids Lords have thairfore moved the saids persewers to consent that the execution of the saids letters of reprysal may be delayed for the space of sex moneths, being confident that in this tyme course will be tane for the persewers satisfaction, sieing after that tyme is expyred the execution of the letters of reprysall cannot be longer stayed. Execution of letters of reprisal against Hamburg to be delayed for six months.

Sederunt:—Chancellor; Lauderdaill; Angus; Yester; Balmerinocht; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtune; Cambo; Provost of Edinburgh. Edinburgh, 3rd November 1642.

"The whilk day Johne, Earle of Loudon, Lord High Chanceller of this kingdom, produced and exhibit before the Lords of Privie Counsell three missive letters signed be the Kings Majestie and direct to the saids Lords. Of the whilk the tenor followes:—CHARLES R.—Right trustie and right welbelovit cousine and counseller, right trustie and right Letter from his Majesty anent unity of religion and uniformity of church government.

welbelovit cousins and counsellers and trusty and welbelovit counsellers, we greit yow weill. By your letter to us the 19th of this instant August we find yow concurre with our late Generall Assemblie in thair desire to us anent unitie of religion and uniformitie of church governement in all our three kingdoms, which cannot be more earnestlie desired by yow then sall be reallie endeavoured by us in such a way as we in our conscience conceave to be best for the floorishing estat of the true protestant religion. But as for joyning with our houses of Parliament in this work, it wer improper for us at this time to give anie ansuer. For since their meeting they have never made anie proposition to us concerning unitie of religion or uniformitie of church governement. So far they ar from desiring anie such thing as we ar confident the most considerable persons and they who make fairest pretences to yow of this kinde will no sooner embrace ane presbyteriall governement then yow an episcopall. And truelie it seemes (notwithstanding whatsoever professions they have made to the contrarie) that nothing hes beene lesse in their mindes then the settling of the true religion and reforming such abuses in church governement as possiblie have creept in contrarie to the established law of the land, to which we have been so far from being averse, that we have by diverse declarations and messages pressed them to it, though hitherto it hath been to small purpose. But whensoever anie proposition sall be made to us by them which we sall conceave anie wayes advance the unitie of the true protestant religion according to the word of God and establish the church govermement according to the knowne lawes of this kingdome, then we sall by our cheerfull joyning with them lett the world see that nothing can be more acceptable to us then the advancing and furthering so good a worke. So we bid yow heartilie farewell. From our Court at Nottinghame, the 26 of August, 1642. CHARLES R.—Right trustie and right welbelovit cousins and counsellers, right trustie and right welbelovit counsellers, we greit yow well. By your letter of the first of this instant yow represent to us the sufferings and losses of our subjects by the infringment of these ancient priviledges and liberties they formerlie (for verie good and honorable causes) injoyed in the kingdome of France. We, being most willing to have all our subjects of that our kingdom restored to their ancient priviledges, doe heirby authorize and allow yow to appoint such as yow sall think most fitt to treate and deale with these who sall be warranted from our brother, the French King, that those our subjects of all conditions may be restored to their saids priviledges and injoy the same without anie diminution in all time comming. So we bid yow heartilie farewell. From our Court at Shrewsburie, the 10th of October, 1642. CHARLES R.—Right trusty and welbelovit cousins and counsellers, right trusty and welbelovit counsellers, we greit yow well. By your letter of the 28 of September yow informe us that you have suspended Mr Johne Carmichell from the office of shireff deput of Lanerick in regard of his unwarranted entrie to the same and encroach-

Acts, November 1641-October 1646. Fol. 60, b.

Letter from his Majesty anent the privileges of the Scots in France.

Fol. 61, a.

Letter from his Majesty anent the suspension of Mr. John Carmichael from the office of sheriff-

Acta, November 1641–October 1646. Fol. 61, a.

ing upon other mens rights in ane illegall way; and with all yow represent to us that manifold prejudices will ensue to our service, to the office of shireffs and to all our subjects by appointing shireff deputs during life; for preventing all these evills, we doe resolve to pas no more anie such gifts, and doe heirby give power and auctoritie to yow to recall anie such of that nature as hes alreadie past our royall hand. So we bid yow heartilie farewell. From our Court at Bridgnorth, the 13th of October, 1642. Which missives being read in presence of the saids Lords, they continue the advising thereupon till Tuisday nixt." deputs of Lanark.

Decreta, November 1641-October 1646. P. 138.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Cassills; Glencarne; Lauderdaill; Lothian; Angus; Yester; Balmerinocht; Clerk Register; Advocate; Treasurer Depute; Wauchtun; Cambo; Provost of Edinburgh. Edinburgh, 3rd November 1642.

Complaint by James, Marquis of Hamilton, collector-general of the taxations granted in June, 1633, as follows:—Richard Foullerton of Fiddes, being collector depute of these taxations within the bounds of for certain years contained in his commission, was brought to an account of his intromissions and obtained his discharge. Thereafter he in the month of went north and uplifted from the deceased Mr William Schairp, sheriff clerk of Bamf, the sum of £900 as if he had been still in service, which "he intends to intervert to his owne use and to defraud his Majestie thairof." Similarly, James Thom, messenger in has intromitted with the taxations of the bishopric of Aberdene and abbacy of Arbroath. The pursuer appearing by Sir John Hamiltoun of Orbiestoun, Justice Clerk, but the defenders not compearing, the Lords ordain the latter to be put to the horn and escheated. Complaint by James, Marquis of Hamilton, collector-general of the taxation, against Richard Fullarton of Fiddes and James Thom, messenger, for illegal practices connected with the said taxations.

P. 139.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Alexander Duncan, now in Kirk, servitor to Sir John Sinclair of Dunbeth, as follows:—Notwithstanding the prohibition of the wearing and bearing of hagbuts and pistols, on August, 1640, Alexander Cogill of that Ilk, David Cogill, his son, Walter Bruce in Hanune, Hucheon Bruce in Kirkfeild, Robert Bruce, son of William Bruce, portioner of Lyth, and John Diron in Okirk, armed with swords, staves, hagbuts, pistols and other invasive weapons, came to the lands of and slew five sheep belonging to the said Alexander Duncan. "And when as he sent his woman to bring back his sheep, the said Alexander Cogill band tua of them on her and said he would present her to the shireff as ane theefe. And, how soone the said Alexander came to see what the mater meant, the persons foresaids pursued him of his life and brake the shaft of ane axe upon his head." Charge having been given to the said Alexander Cogill and Hucheon and Robert Bruce, and his Majesty's Advocate compearing personally and Alexander Duncan by his said master, Sir John Sinclair, but none of the defenders, the Lords ordain Complaint by Alexander Duncan, now in Kirk, servitor to Sir John Sinclair of Dunbeith, against Alexander Coghill of that Ilk and others for slaughtering five of the complainer's sheep and other offences.

P. 140.

the latter to be put to the horn and escheated, but continues the out-giving of the letters, "they finding cautioun within eight dayes to appeare and answer upon the first Counsell day of Junii next." Decreta, November 1641-October 1646. P. 140.

Complaint by William Bruce, portioner of Lyth and liferenter of the lands of Stanstell, against Alexander Sinclair of Latheron and others for violently taking possession of the said lands of Stanstell and for other offences.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate and William Bruce, portioner of Lyth, and heritable proprietor, at least liferenter of the lands of Stanstell and pertinents thereof, as follows:— On August, 1640, William Bruce, son and apparent heir of David Bruce of Stanstell, gave in a petition to Sir William Sinclair of Catboll, knight, Sir John Sinclair of Dunbeth, Alexander Sinclair of Lethroun, John Dumbar, younger of Hemprigs, David Monro, Commissary of Caithnes, Gavin Bruce, portioner of Lyth, and William Talyeour, burgess of Thurso, the alleged sub-committee of Caithnes, desiring by their authority "to be placed in the place and lands of Stanstell quhilks wer lawfullie apprysed fra him and his umquhill father at the instance of umquhill Mr David Bruce, minister at Olrick, the compleanner's brother," to whom he is lawfully served heir and infeft in the said lands; and the said sub-committee, without hearing of party or the production of any right by the said William Bruce to verify his claim, ordained him to be infeft therein and charged the complainer to account to him for the rents with which he had meddled. The complainer thereupon declined these persons as judges in this matter, notwithstanding whereof the said William Bruce, and Sinclair, bastard daughter of the said Sir John Sinclair of Dunbeth, his spouse, at the instigation of the said Sir John P. 141. Sinclair and Sir William Sinclair and of Sir James Sinclair of Canesby and Alexander Sinclair of Lethroun, came in August, 1640, to the manor place of Stanstell, of which the keys were in the complainer's possession, and breaking up the doors thereof and of the chambers and office houses, meddled with the corn in his yards and disposed thereof at their pleasure, and they labour and manure the said lands intending to appropriate the same, although the complainer has good right thereto. "And to his farther disgrace the said Sir John Sinclair directed James Cogill, belman at the kirk of Bonar, to the compleanner with a paper closed as a missive but blanke within and a gallowes drawin upon the same as if he had beene some theefe or malefactor." The complainer and some others have raised letters of lawburrows to secure themselves from the oppressions of these persons, but they threaten the messenger with all kind of hostility if he executes them, so that they are deterred for fear of their lives. Moreover, the said William Bruce, accompanied by Gavin Bruce, portioner of Lyth, David Bruce, his son, Hucheon Forbes, servitor to the said Sir John Sinclar, and others, armed with hagbuts, pistols and other weapons, at the instigation of the said Sir John, Sir William and Sir James Sinclar, came to the complainer's lands of Lyth, and "violentlie reft away his hay" which was there. The complainer is thereby greatly oppressed and is like to be put from his estate and deprived of his life. Charge having been given to the said Alexander Sinclar, John Dumbar, Gavin Bruce, Sir John Sinclar and William P. 142.

Decreta, November 1641-October 1646. P. 142.

Tailyour, to compear on 19th July last, and the pursuers compearing personally but not the defenders, the Lords then ordained the latter to be put to the horn, but superseded the giving out of the letters until the first Tuesday of November, the defenders finding caution to compear that day; and this day the matter being of new called and the pursuers compearing, the said Sir John Sinclar and Mr David Monro also compeared and produced two letters written by the said William Bruce to the said John Dumbar, younger of Hemprigs, and Alexander Sinclar of Latheroun, whereby he passed from them and discharged this complaint, and also a testificate under the hand of the Earl of Sutherland of the inability of Gavin Bruce to travel; and in respect thereof they protested that they and their cautioner might be free of their act of cautionry. The Lords admit the protestation, and William Bruce being personally present declared in presence of their Lordships that he passed simply from this complaint against the said defenders and would insist no further therein.

Acta, November 1641-October 1646 Fol. 61, a.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Cassills; Glencarne; Lauderdaill; Lothian; Dalhousie; Angus; Balmerinocht; Burlie; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtoun; Cambo; Provost of Edinburgh. Edinburgh, 8th November 1642.

Continuance of sheriffs in their offices for another year.

"The Lords of Secreit Counsell, considering the prejudice quhilk is like to ensue to his Majesties service throw the not timelie election of the shireffs of whom his Majestie hes the nomination for the yeere to come, as also seing these who wer shireffs last yeere hes not at yitt cleered their compts anent the ingaddering his Majesties taxations and rents nor performed such other things as ar incumbent to thair charge, therefore the saids Lords hes thought meit and expedient, concluded and ordained

Fol. 61, b.

that the saids shireffs who ar presentlie in office and who have served this yeer bygane sall be continued for the yeer to come, viz:—Sir Johne Dalmahoy, shireff of Edinburgh, Sir Johne Achinmowtie, shireff of Hadintoun, Sir Alexander Swintoun of that ilk, shireff of Berwick, Sir Robert Greir of Lag, shireff of Dumfries, Sir William Scot of Harden, shireff of Selkirk, Johne Naper of Kilmahew, shireff of Dumbartan, David Grahame of Fintrie, shireff of Forfar, Sir Thomas Blair of Baltheyock, shireff of Perth, Alexander Hamilton of Hags, shireff of Lanerk, Campbell of Cesnock, shireff of Air, Sir Alexander Irwing of Drum, shireff of Aberdene, Sir Alexander Abircrombie of Birkinboig, shireff of Bamff, Thomas Fraser of Streachin, elder, shireff of Innernes, James Johneston of Corheid, Stewart of Annerdaill, Foullerton of Dreghorne, baillie of Kylestuart and Bryce Sempill of Cathcart, shireff of Renfrew and baillie of Paisley, whom the saids Lords ordains to exerce their offices for the yeer to come in everie point and with als great jurisdiction, priviledges and immuniteis as they did the yeere bygane, and as if they had new commissions past and exped to them under the great seale,

and ordains letters to be direct to make publication heirof be open proclamation at all places neidfull, wherethrow none pretend ignorance of the same; and to command and charge the shireffs, stuarts, and bailleis particularlie abonewritten to goe on to the discharge of thair offices and performance of everie duetie incumbent to thame, as they respect the good of his Majesties service and weale of the countrie and will answer to the contrare at thair highest perrell. Acta, November 1641-October 1646. Fol. 61, b.

Edinburgh, 8th November 1642.

Sederunt ut die predicto. Decreta, November 1641-October 1646. P. 142.

Supplication by William Bruce, portioner of Lyth, anent his declaration in the case of his complaint against Sir John Sinclair of Dunbeth and others.

Supplication by William Bruce, portioner of Lyth, as follows:—"Last Council day, in the process by him against Sir John Sinclar of Dunbeth and others of the sub-committee of Caithnes for dispossessing him of the lands of Stanstell, he made a declaration that he passed from that pursuit before their Lordships; which declaration, his advocates tell him, is so conceived as to prejudge his civil action before the Lords of Session. As this is both against the Council's meaning and his resolution, he craves that their Lordships may declare that his declaration shall not have such effect. The Lords do so and declare that the supplicant has full liberty to prosecute his cause before the Lords of Session.

See *ante*, p. 334.

His Majesty's letter anent the unity of religion.

"The Lords, having read the letter sent from his Majestie anent unitie of religion, ordains the commissioners of the kirk to be acquainted thairwith." Sederunts, February 1635-November 1643. Fol. 97, b.

Sheriff-deputes

"Ordains the shireff deputs *ad vitam* to be writtin for to exhibit thair gifts and to heare his Majesteis pleasure thairanent made knowne to them."

Commission appointed to enquire into the privileges of the Scots in France.

"The Lords, having read the letter from the Kings Majestie anent the liberteis of the Scotish nation in France, they have resolved with all diligence to prosecut that bussines and, for the better effectuating thairof, gives commission to the Erles of Lauderdaill and Lothiane, the Lords Angus and Balmerinocht, the Clerk Register, Advocat, Wauchtoun, and Provest of Edinburgh, or anie twa of thame, to conveene at such times as they sall thinke fitting and to informe themselves be all the meanes they can of the priviledges of the Scotish formerlie injoyed in France, and to call all such persons before them as can give best information heeranent and to try the publict register, and what they find to report."

Commission to consider the best means of providing for the army in Ireland.

"The Lords gives commissioun to the Marquis of Argile, the Erles of Eglintoun, Glencarne and Lothian, the Lords Balmerino and Burlie and the Laird of Cambo, or anie three of them, to meit and consider the best way for providing such things as ar requisit for interteanment of the armie in Ireland, and what they sall write to the Lord Generall or Erle of Lindsay thairanent." Fol. 98, a.

Edinburgh, 9th November 1642.

Sederunt:—Chancellor; Argile; Cassills; Glencairne; Lauderdaill; Lothian; Dalhousie; Angus; Balmerinocht; Burlie; Acta, November 1641-October 1646. Fol. 61, b.

Acts, November 1641–October 1646. Fol. 61, b.

Clerk Register; Justice Clerk; Treasurer Depute; Wauchtun.

"The Lords of Secreit Counsell allowes the colonells of the armie in Ireland to provide ane hundreth last of hering at the best conditions they can and to send the same over to the said armie. And, seing the colonells ar to advance, everie man for his proportionall part of the prices thereof, the saids Lords declares they will see them repayed and will byde the sea hazard of transporting thereof." Fol. 62, a.

A hundred last of herring for the army in Ireland.

"Forasmekle as there is great appearance of trouble like to fall out betuix Sir Gilbert Meinyeis of Pitfodells, on the one part, and Johne Leslie of Forbes, on the other part, who intend to draw their freinds and followers together in convocations and backings within and about the toun of Aberdene to the disturbance of the peace of the countrie without remeid be provided, therefore ordains letters to be direct charging both the saids parteis to compeir before the Counsell upon the 29 day of November instant to underly such order as sall be tane with them for observing the peace of the countrie, under the pane of rebellion, etc., with certification, etc.; and in the meane time to command and charge both the saids parteis to keepe his Majesties peace, and not to invade, trouble nor molest one another for quhatsomever deid, caus or occasion other wayes nor be order of law, and that they make no convocations of thair freinds or followers for that effect, but behave themselves in quyet and sober maner as peaceable subjects, either of them under the pane of ten thousand punds; certifeing them that failleis that the same sall be uplifted of them without favor."

Charge to Sir Gilbert Menzies of Pitfoddels and John Leslie of Forbes, who are at feud, to appear before the Council, and meanwhile to keep the peace.

Decreta, November 1641–October 1646. P. 143.

[Sederunt as recorded above.]

Edinburgh, 9th November 1642.

Complaint by George Cumming, lawful son of Duncan Cumming, sometime in Ruthen, as follows:—On February last, Alexander Robertson in Auchbeg, Janet Souericht, his spouse, and James Craig, his servant, "tooke and apprehended the compleanner, being his Majesteis free liege, and tortoured him by waiging his finger in a bore in the said Alexander his coate doore, cruellie brydelled him, and hang him be the armes in a tow to a balk of the barn; whilk is a verie proud attempt and deserves severe and exemplarie punishment." The pursuer compearing by Alexander Leslie, writer in Edinburgh, his procurator, but the defenders not compearing, the Lords ordain them to be put to the horn and escheated. P. 144.

Complaint by George Cumming, son of Duncan Cumming, sometime in Rutherglen, against Alexander Robertson in Auchbeg and others for assault.

Complaint by Alexander Sanderson and Robert Irving, messengers, as follows:—For the execution of their office they have been heavily troubled by these persons as follows:—On April last John Burnet of Buthquharne came by way of hamesucken to the complainers' lodging houses, "uttered manie disgracefull speeches aganis them [for charging him] to find caution for observing his Majesteis lawes anent the slaughter of black

Complaint by Alexander Sanderson and Robert Irving, messengers, against John Burnet of Buthquharne and others for assaulting

them in the execution of their office.

and rid fish be vertue of letters direct be the Lords of Privie Counsell, feare- Decreta, November fullie swearing that they durst not avow the charges givin. And when they 1641-October modestlie replyed they could not but avow so laufell a deed, the said 1646. P. 144. Johne Burnet drew his suord, strake at the said Alexander therewith, and missing him, wounded the said Robert on the hand and almost mutilat his foremost finger. And when he wes with difficultie putt away, he vowed to returne and waken the compleanners out of thair sleepe and ather to have thair lyffes or to burne the hous; and accordinglie came about midnight with a lance and banded stalffe and had not failed to have done the same if they had not beene stayed. And upon the day of the same moneth, the compleanners servant having charged James Barrie in Borland to compeir before the Shireff of Aberdene, for this onelie caus with some of his servants followed after thame with drawin durkes, strake thame with stalffes and forced them to take back thair copeis. And upon the day of the same moneth, the said Robert, being in the house of Thomas Watsone in Aberdene taking up dittay aganis fugitives from the justice courts, he and his servants for this caus disgracefullie strake the said messinger; quhilks ar intolerable affronts of his Majesteis service and deserve to be exemplarlie punished." P. 145. Charge having been given to the said John Burnet and James Barrie as parties and to Robert and Thomas Anderson at the Cobill of Afford, Robert Middletoun in Bordland, George Middletoun in Ballastrein and John Yre there, as witnesses, and the pursuers compearing but not the defenders nor the witnesses, the Lords ordain both the latter to be put to the horn and escheated.

Complaint by Alexander Spaldie, notary in Old Aberdeen, against William Gordon of Arradoull for contempt of horning.

Complaint by Alexander Spaldie, notary in Elgine, now in old Aberdene, as follows:—On 20th April, 1638, William Gordon of Arradoull was put to the horn at his instance for non-payment of a debt of 800 merks, with interest and expenses due thereon, but of the said horning P. 146. he takes no heed. The pursuer compearing by Patrick Rankene, servitor to Mr James Baird, advocate, his procurator, but the defender not compearing, the Lords ordain him to be charged to render his house of and to enter himself in ward within the Castle of Blacknes within fifteen days upon pain of treason. P. 147.

Supplication by Sir John Seaton of Barnes that his son, Alexander Seaton, may be retained in ward in the Tolbooth of Edinburgh.

See *ante*, p. 325.

Supplication by Sir John Seatoun of Barns, as follows:—"This while bygane his sone Alexander Seaton hes made great bussines before the saids Lords and brought the supplicants name in hearing as ane unkynd father unto him, whereof he is verie sorie, his cariage having ever heretofore beene without challenge or hearing; and this day being appointed for his sonnes answer for what he sall lay to his charge, that it would please the saids Lords be informed that there wes no parent ever so kynd and duetifull to their children as the supplicant wes to his sonne untill that aganis his will and the said Alexander his owne solemne oath he matched with the Ferrells of the Yrish brood in Ireland, and since that time he did thrise surprise tuo of the supplicants houses, affrighted his tennents, killed his cattell, medled with his houshold stuff

Decreta, November 1641-October 1646. P. 147.

and everything belonging to him in Ireland, himselfe being in this kingdom, so as he wes forced by order from the Lieutenent and justices there to caus committ him prissouner to the jayle of Dubline, and he wes releeved upon assurance of his better behaviour. But shortlie thereafter he seazed of new upon the supplicants houses and lands so as he wes moved to sue him before the judges of assise, where he wes fyned and ordained never to be seene upon the supplicants land but to remove aff that kingdom. Since quhilk time not onelie hes his allya, the Ferrells in Ireland, seazed upon all his meanes there, declairing that all sould come to Ferrells barnes and that they had sent his sone thither to ding out his harns and possess the remainder of his estat heir by such freinds as he assured them would doe for him; but also his said sone hes accordinglie adventured to take his estat heir, brokin up his doores, preast to raise fire within his hous and to meddle with all that is there, as wes cleerelie provin; and to the supplicants farther disgrace, as if he wer a dyver, hes served inhibition upon him and send bodwords and threatenings to take his life." He craves that the Lords would take notice hereof and cause his sone to re-enter again in prison until he be punished for "the insolence and extraordinarie ryot alreadie provin and find good cautioun under great soumes for his behaviour in time comming." The parties having been heard on the 3rd instant, the Lords on that day deputed to certain of their number to bring about an agreement between parties, and John Halyburtoun, merchant burgess of Edinburgh, became cautioner for the said Alexander's appearance; and now parties being present and heard of new, the Lords ordain the said Alexander to re-enter to his ward within the tolbooth of Edinburgh until they are further advised in the matter.

Sederunts, February 1635-November 1643. Fol. 98, a.

"The Lords gives commissioun to the Lord Advocat, the Justice Generall and Justice Deput, to consider the informatiouns and tryell tane agane some witches and to report." Trial of witches.

Decreta, November 1641-October 1646. P. 148.

Sederunt:—Chancellor; Argile; Eglinton; Cassills; Glencarne; Lauderdaill; Lothiane; Dalhousie; Calander; Angus; Balmerino; Burlie; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir William Douglas; Sir Thomas Morton. Edinburgh, 10th November 1642.

Supplication by John Schaw of Greenock, as follows:—He has lately apprehended certain Irishmen, viz. Michael White, merchant in Waterfurd, Patrick Comerfort, son of William Comerfort, merchant there, Denice O'Cona, seaman there, Thomas Christian, seaman there, Nicolas Rossudir, seaman of Washfurd, and Peter Cemmick, carpenter there, and they are presently in his custody. Some of the supplicant's men are prisoners with the Yrish, and he craves permission to exchange his prisoners for his own friends and servants who are prisoners with the rebels in Ireland. The Lords grant the permission craved. Supplication by John Shaw of Greenock for permission to exchange certain Irish prisoners for friends who have been captured by the Irish rebels.

P. 149.

Sentence for witchcraft at Dumfries.

The Lords having seen and considered the process of conviction led before John Crichton of Craufurdtoun, Roger Kirkpatrick and John Johnstoun, bailies of Dumfreis, as commissioners appointed by their Lordships for this effect, in a justice court held by them in the burgh of Dumfreis on 9th August last against Isobel Adamsone, who was charged with the crime of witchcraft, ordain the said commissioners to pronounce doom and sentence against her for the same according to the laws of the kingdom and to see the same put in execution. Decreta, November 1641–October 1646. P. 149.

Complaint by Adam Duff of Drummore and Beatrice Duff, widow of Thomas Grant, against Duncan Grant of Auchyrnich and others for contempt of horning.

Complaint by Adam Duff of Drummure and Beatrix Duff, widow of Thomas Grant in Thomlenan, as follows:—On 12th and 14th April, 1637, Duncan Grant of Auchyrnich, Allan Grant in Mullahard, and Patrick Grant of Skanriach were put to the horn for non-payment to Adam Duff of 6000 merks to be employed for the conjunct fee of the said Beatrix; and on 5th September thereafter they were again put to the horn for not paying 100 merks of expenses and £5 of collector silver. Of these hornings they take no heed. Charge having been given to the said Duncan and Allan Grant, and the pursuers compearing by Alexander Leslie, writer in Edinburgh but the defenders not compearing, the Lords ordain the latter to be charged to render their houses and themselves to enter in ward within the Castle of Blacknes on fifteen days' warning on pain of treason. But the Lords continue the outgiving of the letters until the last Council day of February next. P. 150.

Complaint by George Halyburton, portioner of Kidlaw, and others against Patrick Halyburton of Egliscarnie for illegal horning.

Complaint by George Halyburton, portioner of Kidlaw, James Skirvin of Blaitlaw, John Skirvin of Lestoun, his brother, William Skirvin in Gilkerston, Adam Yuill in Braidwodside and Williame Allane in Kidlaw, as follows:—They are informed that Patrick Halyburton of Egliscarno has obtained letters of horning against them from their Lordships for their non-compearance to answer to his complaint against them. Now they did compear on 21st July last, to which day they were cited, but they were not called; and the case being continued till the 23rd they kept that diet also, but there was no Council and the diet deserted. They expected therefore no sentence until they were cited of new, and so are free of contumacy. Still, for eschewing the malice of the party, who seeks all advantage against them, they have found caution to compear on 10th November before the Council, each in 500 merks, and therefore crave suspension of the horning. The pursuers compearing personally but not the defender, the Lords suspend the horning. P. 151.

Patent to the Earl of Forth.

"The Lord Chancellor produced the Lord Ettricks patent to the Erle of Forth quhilk wes receaved be Quhytbank." Sederunts, February 1635–November 1643. Fol. 98, a.

The price of shoes.

"The Lords gives commissioun to the Lord Burlie, the Lairds of Cambo and Wauchtoun and Provest of Edinburgh to meit the morne at 9 houres to consult upon the best wayes for setling the prices of shoes."

Edinburgh, 15th November 1642.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Cassills; Glencarne; Lauderdaill; Lothian; Callander; Yester; Bal- Acta, November 1641–October 1646. Fol. 62, a.

Acta, November 1641–October 1646. Fol. 62, a.

merino; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtune; Cambo; Dundas; Cavers.

Declaration of the Parliament of England anent unity of religion and uniformity of church government. See *ante*, p. 331.

"The quhilk day Johne, Earle of Loudon, Lord High Chanceller of this kingdom, produced a declaration made be the Parliament of England, of the date the 20th of October last, sent to his Lordship be the Earle of Lindsey, of the quhilk the tenor followes. We, the Lords and Commouns of the Parliament of England, doe acknowledge the brotherlie affection and prudent care of both the kingdoms of England and Scotland expressed by the Lords of his Majesties Privie Counsell of Scotland in
Fol. 62, b. the reply made be their Lordships upon the 29 day of September, 1642, to our answer concerning unitie of religion and uniformitie of church governement and sall be alwayes readie with our auctoritie and endeavours to promove that important work, so pious in the nature of it and necessarie in the consequence of it for the securitie and prosperitie of both kingdoms and of all the forrane reformed churches. For the better effecting thereof we doe thankfullie embrace the correspondence of that honnorable table and of the Commissioners of the General Assemblie and sall likewise most willinglie concurre wlth the good endeavoures and intentions of the Commissioners for conserving the peace betuix the kingdoms according to the act of pacification ratified in both Parliaments, hoping and praying that the God of heaven will crowne our mutuall desires with such ane issue that the true religion, the honnour, safetie and peace of his Majestie and all his kingdoms may be established and preserved aganis the malicious designes and practises of these who seeke openlie to oppose or secretlie to undermyne the same. *Subscribitur.* Jo. Browne, *Cleric. Parliamento.*, etc., October the 20th, 1642. Quhilk declaration being read and considdered be the saids Lords, they ordaine the same to be insert and registrat in the bookes of Privie Counsell and represented to the Commissioners of the General Assemblie."

Decreta, November 1641–October 1646. P. 152.

[Sederunt as recorded above.]

Edinburgh, 15th November 1642.

Complaint by Thomas Forbes of Waterton and Helen Kinnaird, widow of Patrick Con of Artroch, against William Con of Artroch and others for assault on the complainers' servants while engaged in harvesting.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Thomas Forbes of Waterton and Helen Kinnaird, widow of Patrick Con of Artroch, parties grieved, as follows:—Helen Kinnaird is legally provided to the Mains of Artroch, and this year she disponed the crops growing thereupon to the said Thomas Forbes, whereupon their servants entered upon the cutting of the same. But, in violation of the law forbidding the wearing of hagbuts and pistols and convocation of the lieges, William Con of Artroch, John Wallace in Colpt, Alexander Innes at the Wodend of Towy, and Alexander Ramsay at the Mill of Colpt, for themselves and at the instigation of John Kennedie of Kermucks, with convocation of the lieges armed with hagbuts, pistols and other forbidden weapons, came on 8th September instant to the complainers' servants as they were shearing, pursued them for their lives, gave them many

"bauch and blae straikes" in several parts of their bodies, "dang them aff the ground and possest themselves with the cornes and entered to the sheiring thereof." Charge having been given to the persons named, of whom only William Con and John Kennedie appeared, and the pursuers compearing by Mr William Forbes, advocate, the Kings Advocate being also present, the Lords, after hearing parties and certain witnesses, find that the said "William Con and Alexander Innes, with fyve horsemen with pistolls and fyve footmen with gunnes, came to the pursuers servants shearing thair cornes the time libelled and held out thair pistolls and gunnes to the shearers, threatning them therewith if they left not thair work, quhilk they wer forced to doe, and the said William Con and his complices entered to the shearing and binding the cornes"; for which great insolence they ordain William Con to be warded in the tolbooth of Edinburgh until they release him and he pay ten merks "to either of the witnesses"; and Alexander Innes to be charged to enter into the same ward within fifteen days until order be taken with him. Decreta, November 1641–October 1646. P. 152. P. 153.

Sentence of Jean Barbour who has been found guilty of witchcraft.

The Lords on 23rd April last granted commission to Thomas, Lord Kirkcudbright, Alexander Gordoun of Erlestoun, John Gordon of Cairdyns and William Glendoning, provost of Kirkcudbright, for the trial of Jean Barbour, parishioner of Tongland, for witchcraft, ordaining them to report the process of conviction before pronouncing sentence; and they, having now seen and perused the report of her trial and conviction on 11th and 12th October last, whereby she is convicted of several "points of witchcraft," ordain the said commissioners to pronounce doom and sentence against the said Jean Barbour according to the laws of the kingdom and to see the same executed upon her. P. 154.

Supplication by James, Duke of Lennox, Great Admiral, and Alexander, Earl of Linlithgow, Vice-Admiral, anent a ship containing Irish rebels which has been seized by the Laird of Greenock.

Supplication by James, Duke of Lenox, Great Admiral of this kingdom and Isles thereof, and Alexander, Earl of Linlithgow, Vice-Admiral thereof, as follows:—They are informed that a ship or barque belonging to Irish rebels has been driven in to Grenock on the river of Clyd, wherein there is a great number of the said rebels and certain merchant goods, "intending to France, and that the Laird of Grenock has tane and apprehended the said ship and seazed on the rebells and made them prissouners, and hes bought the said bark and loadning to his owne use, and is seeking a warrant fra the saids Lords to interchange the saids prisoners with prisoners of our countrie tane and keeped in Ireland be the Yrish rebells there, albeit of law, equitie and reason the supplicants, be the right and priviledge of thair office, use and custome in the late warres betueene the Kings Majestie and crownes of France and Spaine and precedents in all former times, be onelie competent judges to decerne and declare all shippes and goods therein conteanned laufull or unlaufull prize, and all persons tane and apprehended aboord of anie ship or come in be sea to be laufull or unlaufull prissouners." They therefore crave that the Lords would grant no such warrant to the Laird of Grenock or any other. The Lords refuse to P. 155.

Decreta, November 1641-October 1646. P. 155.

recall the warrant already granted by them to the Laird of Grenock for exchange of the prisoners, but this without prejudice to the Admiral's legal right to the said ship and goods. Thereupon James, Earl of Calander, being personally present, protested in name of the said Lord Admiral and Vice-Admiral that this act and declaration of Council should not be prejudicial to the Lord Admiral and Vice-Admiral in the right and privilege of their office according to law.

Supplication by Mr George Dundas of Maner, as follows:—His Majesty has been pleased to appoint the Earl of Abercorne sheriff of Linlithgow, and the said Earl has thereupon created deputes and members of court. But the supplicant has been sheriff for some years past, and along with the rest of the sheriffs he is now charged to continue in the exercise of that office, which he cannot do by reason of the Earl of Abercorne's appointment. He therefore craves that the Lords would relieve him of the said sheriffship. The Lords "exceuse the suplicant of the said office in respect of his Majesty's gift thereof granted to the said Earle of Abercorne."

Supplication by Mr George Dundas of Maner to be relieved from the sheriffship of Linlithgow.

Sederunts, February 1635–November 1643. Fol. 98, a.

"A letter frome the Councell to the Earle of Lindsay anent the stoppe of pacquets and another to the same purpose to the Earle of Lanerick, his Majesties Secretarie."

Stoppage of packets to and from Ireland.

Acta, November 1641–October 1646. Fol. 62, b.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Cassills; Glencarne; Lauderdaill; Lothian; Callander; Yester; Balmerinocht; Clerk Register; Justice Clerk; Treasurer Depute; Dundas; Cavers; Provost of Edinburgh.

Edinburgh, 17th November 1642.

"The whilk day the Lords of Privie Counsell, having read and considered the warrant underwrittin nominating and electing William Thomson to be generall receaver and Johne Campbell receaver deput in maner therein exprest, they allow and approve of the said warrant, and ordains the same to be insert and registrat in the bookes of Privie Counsell therein to remaine *ad futûram rei memoriam*, and hes interponed and interpons thair auctoritie thairto; of the quhilk the tenor

Fol. 63, a.

followes:—At Edinburgh, the seventene day of November, 1642 yeeres. Forsamekle as the armie alreadieg one and going to Ireland will stand in need of some able and qualified person for receaving of the moneyes, victuall and other provision necessar for maintenance of the same, and for debursing and giving out the saids moneyes and other provision to the severall regiments and others to whom it sall be due, according as order sall be givin for that effect, and quhilk person be himselfe and his deputs and servants must keepe compt, charge and discharge of all the saids moneyes and provisions so to be receaved and expended; and we undersubscryving, having prooffe and experience of William Thomsone, generall receaver for the publict, als weill of his abiliteis for the discharge of such a weightie trust as of his fidelitie and diligence by the bygane experience of his cariage in his former service and trust in the publict

William Thomson and John Campbell appointed respectively General Receiver and Receiver Depute of the money and stores granted by the Parliament of England for the support of the army in Ireland.

like imployment thir diverse yeeres bygane, and als having experience of the sufficiencie of Johne Campbell to assist the said William Thomson, when both of them sall happin to be present, and to supplee the said William Thomson his absence whenever the samine sall happin, therefore we by these represents doe nominat, appoint, and elect the said William Thomsone to be generall receaver, and the said John Campbell to be receaver deput of all the moneys and other provision for interteanment of the said armie due to be payed be the Parliament of England, or such others as they sall appoint to that effect, conforme to the articles of the treatie made thereanent; with power to the saids William Thomson and Johne Campbell, when both of them sall be present, and, in absence of the said William Thomson, with power to the said Johne Campbell, deput foresaid, and their substituts for whom they must be answerable, to uplift and receave the samine and to grant acquittances and discharges thereupon in haill or in part, whilk sall be als sufficient to the receavers as if we had subscribed the samine ourselves. And siclyke we doe heirby nominat and appoint the said William Thomson and Johne Campbell, when both of them sall be present, and, in absence of the said William Thomsone, we doe heirby appoint and nominat the said Johne Campbell, deput foresaid, to be debursers of the saids moneyes and others foresaids to the saids severall regiments and others conforme to the orders to be given to them thereanent; with power to them, as said is, to provide servants and deputs under them in the said charge for keeping compt of the saids moneyes and other provision, and for their supplee in everie thing incumbent to them for the good of the said armie in maner foresaid; and generallie with power to the saids William Thomson and Johne Campbell, when both of them ar present, and, in absence of the said William Thomson, with power to the said Johne Campbell to doe everie other thing necessar that to the office of ane receaver and deburser necessarlie belongs; the saids William Thomson and Johne Campbell being alwayes comptable for themselves and thair servants and substituts to be nominat and appointed be them and for thair cariage in the premises. In consideration of the panes and travells to be takin be the saids William Thomson and Johne Campbell in the quhilk place and charge, we doe heirby give and assigne unto them such fees and allowances as the King's Majestie and the Parliament of England sall think fitting to grant for their faithfull discharging the said important charge, incaise the Kings Majestie and Parliament of England sall think the same expedient or be moved thereto, and failleing thairof, and incaise the said allowance sall not be answerable to thair charge and service, we doe heirby faithfullie promitt to doe our best endeavoures to provide to them such allowance and pey as may enable them for the faithfull discharge of the said place; and for their further securitie sall renew these presents whensoever they sall require us thereto, with addition of such other clauses as sall be found requisit for enabling of them for exact performance of everie thing incumbent to

Acta, November 1641-October 1644. Fol. 63, a.

Fol. 63, b.

Acts, November 1641–October 1646. Fol. 63, b.

them for the good of the said armie, and, if neid beis, that the auctoritie of the Lords of Privie Counsell be interpouned thereto, consenting thir presents be registrat in the bookes of the said Privie Counsell, bookes of Counsell and Sessioun or bookes of anie other judicatorie within this kingdome, therein to remaine *ad futuram rei memoriam*, and for that effect we constitut, etc. In witnes quhairof we have subscryved thir presents with our hands, day, yeere and place abonewrittin: *Subscribitur* Loudon, Can^llrius^; Leven, Hamilton, Argile, Eglinton, Cassills, Lauderdaill, Callander, Yester, Balmerino, Durie, Hamilton, J. Carmichael, W. Douglas, Dundas."

Fol. 64, a.

"Forsamekle as the magistrats of Dumfreis have latelie tane and apprehended one Thomas Lillie, servitor to the Earle of Antrim, with tua of his footmen and tua baggage horses, loadned with some trunckes and a great clock bag with a passe quhilk seemes to be counterfoot, and the Lords of Privie Counsell having tane to thair consideration the worthie cariage of the saids magistrats of Dumfreis in this particular, they find that they have done verie acceptable service, quhairof the saids Lords will not be forgetfull as occasion sall offer. And for the better tryell of the said Earle his servants foresaids, they ordaine the provest and bailleis of Dumfreis to bring them, their horses and baggage, together with Robert Swan in Drumcoltrum and Johne Hannay in Garintoun, prissouners within thair tolbuith for thift, to the burgh of Edinburgh with all conveniencie and to enter the saids haill persons within the tolbuith thairof, to remaine there till farther direction be givin be the Counsell concerning them; commanding heirby the provest and bailleis of Edinburgh to receave the saids persons from the saids magistrats or the persons who sall have charge of their convoy and to committ them to the effect foresaid. And the saids Lords declares that they will have a care that the charges and expenses to be bestowed be the saids magistrats of Dumfreis upon the transportation of the persons foresaids, thair horses and baggage, sall be thankfullie and tymouslie repayed to them."

Charge to the magistrates of Dumfries to convoy to the Tolbooth of Edinburgh three servitors of the Earl of Antrim whom the said magistrates have apprehended.

Decreta, November 1641-October 1646. P. 156.

[Sederunt as recorded above.]

Edinburgh, 17th November 1642.

Complaint by George Leslie of that Ilk, as follows:—After many processes of law with Sir Alexander Gordon of Clunie for his relief from the great burdens he underlies for him, the said Sir Alexander gave the complainer, in 1635, a bond, promising that if he did not before 31st March thereafter give him, or Mr Robert Ferquhar as cautioner for him, real payment, then he would give the complainer such satisfaction and modification for his expenses as the Lords of the Privy Council should determine. But in all this Sir Alexander has utterly failed and put the complainer to great expenses, who has also on his account been kept prisoner in the tolbooth of Aberdene for six weeks. The pursuer compearing but not the defender, the Lords, after examination of the bond

P. 157.

Complaint by George Leslie of that Ilk against Sir Alexander Gordon of Clunie, who refuses to relieve the complainer from the caution under which he lies for the said Sir Alexander.

above referred to, and the account of the pursuer's charges in this matter, extending to £1977 7s. 4d., modify the sum of £1000 to be paid to the pursuer by the said Laird of Clunie as for these charges, and that before Whitsunday next, wherein if he fail he is to pay the whole sum in the account; and this without prejudice to the pursuer to suit payment of the sums otherwise due to him. Decreta, November 1641–October 1646. P. 157.

Commission to the Marquis of Argyle and others anent the preserving of peace on the Borders.

"The Lords gives commission to the Marquis of Argyle, Lauderdail, Louthian, Yester, Balmerino, and Shireff of Teviotdail, to meit with the noblemen and gentlemen of the Borders the morne forenoone, and to consult with thame on the best wayes and overtures how the peace of the Borders may be preserved, delinquents punished and justice administrat, and ordans the Advocat to attend this meiting." Sederunts, February 1635–November 1643. Fol. 98, b.

Commission to the Earl of Lothian to treat with the King of France anent the privileges of Scots in France.

"The Lords of Privie Counsell nominats and choises the Earle of Louthian to be comissioner frome this kingdome to deale with the Frensh king or suche as he sall appoynt that subjects of this kingdome may be restored to the priviledges formerlie enjoyed be thame in France, and recomends to the comittee formerlie appoynted in this earand to forme the draught of the comission and instructions to be given to the said Earle, and ordans a letter to be written to the Generall acquantting his excellencie thairwith, and desyring him to supplie the Leiutenent Generall place untill his returne."

Edinburgh, 22nd November 1642.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Glencarne; Lothian; Southesk; Yester; Balmerinocht; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sheriff of Tiviotdaill; Dun; Dundas. Decreta, November 1641–October 1646. P. 157.

Complaint by James Sinclair of Scalloway and Mr. James Edmonston, minister at Yell, against Ninian Niven for oppression of the people of Shetland.

Complaint by James Sinclair of Skalloway and Mr John Edmonston, minister at Yell, commissioners for the poor people of Yetland, as follows:—They have long attended upon his Majesty's Council for obtaining redress of the grievances of these poor people against Ninian Nevein. Of these, several particulars are already proven, and Thomas Wright in Leith became cautioner for the compearance of the said Nevein at such days as the Council should appoint. The matter has been in dependence since January last, and the complainers are now informed that he is going to Yetland to escape the Council's censure and proceed in his wonted oppressions, for which purpose he has purchased offices of trust in these parts. The complainers have therefore thought it incumbent on them to represent this to the Council, "persuading themselves that they will not suffer such a one who has beene challenged for false writts and others greevous oppressions to beare charge in these parts, but will doe justice aganis him upon the particulars alreadie provin." Charge having been given to Ninian Nevein and Thomas Wright, his cautioner, and Mr John Edmeston and Thomas Wright compearing personally, but not the said Ninian Nevein, the Lords find that the last named has violated the act of caution dated 14th January, P. 158.

Decreta, November 1641–October 1646. P. 159.

1642, for his compearance when required, and decern him and his cautioner to have incurred the penalty of 1000 merks contained therein, for the recovery of which they ordain letters to be issued (one half to his Majesty, and the other half to the pursuers), but continue the extracting thereof until the first Council day of June, because Sir William Dick of Braid compeared and became cautioner in 2000 merks that Ninian Nevein would compear that day. And the Lords declare that if at that time the pursuers prove their libel they will order their expenses to be paid by the defender.

Charge to the magistrates of Edinburgh to release Alexander Seaton, son of Sir John Seaton of Barns, from the tolbooth of the said burgh. See *ante*, p. 338.

The Lords having heard Sir John Seaton of Barns and Alexander Seaton, his son, regarding the "insolence committed be him within his fathers hous of Barns and other differences" between them, for which the latter is prisoner in the tolbooth of Edinburgh, ordain the provost and bailies of Edinburgh to put the said Alexander to liberty. He has solemnly sworn that he cannot find caution, but has bound himself for the indemnity of his father and his household and servants and property, under the penalty of being apprehended and warded and then punished in his person and otherwise at the discretion of the Council.

P. 160.

Edinburgh, 24th November 1642.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Glencarne; Lauderdaill; Lothian; Southesk; Balmerinocht; Clerk Register; Justice Clerk; Cavers; Dun; Dundas; Provost of Edinburgh.

Complaint by James Grahame of Blaatwood against Archibald Douglas, brother of the Earl of Queensberry, for spoiling and carrying off his tenants.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Fergus Grahame of Blaatwod, party grieved, as follows:—The said Fergus and his predecessors have been in peaceable possession of the £10 land of Tordochstocks and Wylleis by dwelling thereon, labouring the same, uplifting the rents and keeping courts thereupon for more than a hundred years past, by good and sufficient titles which have been ratified by the late and present Earls of Queinsberrie, and his right was never challenged until that the present Earl disponed a little piece of ground called Dornock, which lies adjacent to the complainer's said lands, to his brother, Archibald Douglas, who, because the complainer would not permit him to meddle with the fishings of his said lands nor break the moss of his lands of Blaatwod, has made a pretended complaint and cited the complainer before the Commissioners of Estates. When the complainer answered the citation, Archibald Douglas, upon an assignation made to him by the deceased Colonel Cunningham (which was never intimated to the complainer, after his death), as if he had been living, raised caption, and in the deceased's name caused apprehend the complainer and kept him in the tolbooth of Edinburgh for three months until he consigned the money and obtained suspension which is not yet discussed. "And immediatlie after the compleanners imprissonment the said Archibald posted home, and upon a decreit obteanned before the Earle of Queinsberrie, his brother, and his baillie, who never wer nor can be judges to the compleanner, for the same caus they tooke from the com-

pleanners tennents 44 ky and oxen, 15 horses and meares and fyve score ewes and wedders." And now, in violation of the law against bearing and wearing hagbuts and pistols and convocation of the lieges in arms, "upon the 18 of October instant the said Archibald Douglas, accompanied with William Douglas of Kelheid, James Johnstoun of Corheid, Johne Douglas of Killiwarran, George Douglas, his brother, George Ker, master stabler to the said Earle, George Irwing, his baillie, Christopher Irwing, his sone, John Carlill of Brakanquhat, William Carlill of Newpark, Adam Carlill of Lus, Eduard Irwing called Gaudie in Dornock, Nicoll Bell there, Duncan M'Farlane, John Corbett at Dronock Milne, William Fruid in Langlands, William Rae there, John Bell in Butterdell, William Gas in Foulsike, James Murrey, messenger, and Christie Pittie in Murreyes, with manie others gathered out of Nithisdaill, Annerdaill and Gallouay, to the number of 200 persons, boddin with suords, hacquebutts, pistolets and others forbiddin weapons, with a number of horses and carres, of the speciall direction and hounding out of the said Earle, came under cloud and silence of night to the saids lands of Stocks and Wylleis, broke up the tennents doores, tirred their houses, tooke themselves and all their goods and the goods of diverse persons being upon the compleaners ground, and carried them away and deteanned them till they obliged themselves, everie one under the pane of £200, to leave his lands; and hes layed a number of soldiours with gunnes and pistolls upon the same to take the compleanners life. And upon the morne thereafter they came and tooke away the tennents cornes and forced them for recoverie thereof, lest they sould sterve, to renunce their possessions to the said Archibald. And when as he came toward them to know what the mater meant the saids haill persons pursued the compleanner and forced him to flee for saifetie on horsback; and they have also threatned all the tennents of the rest of the compleanners lands with warding and spulyie if they doe not renunce their possessions; so as they have left his lands waist and can gett none of his rents to pay his debts or interteane himselfe, and darre not come out of his hous for feare of his life." Charge having been given to the persons complained upon, and the pursuers compearing personally, the said Archibald Douglas also compeared for himself and the remanent defenders who affirmed that he did no wrong in the poinding of the pursuer's goods by virtue of the decreet recovered before the Earl of Queinsberrie, nor in the convocation and taking of the tenants seeing he had letters of caption against them for not finding of lawburrows and decreets of poinding for the duties of the lands, and this he offered to make good before the judge ordinary. As to the taking of the tenants and breaking of their doors notwithstanding of the caution found by them, he said he knew of no caution, and none was intimated to him before he apprehended them (as to which he gave his oath), and that as soon as he saw the caution he dismissed them. The Lords, after hearing parties and certain witnesses, find that the said Archibald Douglas "after

Decreta, November 1641–October 1646. P. 161.

P. 162.

Decreta, November 1641-October 1646. P. 163.

he had tane the saids tennents be vertue of his letters of captioun, compelled them to give bands to leave the ground, and that thereby he has proceeded unwarrantablie aganis them; and therefore ordains him to repone the tennents to that same condition they wer in before these bands wer granted, as alsua that he exhibit the saids haill bands tane frome the tennents before the Counsell upon this day fyftene dayes." This he promised to do. The Lards also ordained him to pay 10 merks to each of the witnesses; and they declare that this decree shall not prejudge any other lawful possession the defender may have before the taking of these bands. They assoilzie the defender from the charge of breaking up of the doors and taking of the tenants, in respect of his oath given above, and they refer to the decision of the Lords of Session the validity of the decreet recovered before the Earl of Queinsberrie and all that followed thereupon.

Charge to the magistrates of Edinburgh to release David Hume from the tolbooth of the said burgh.

The Lords of Secret Council, having heard the provost and bailies of Edinburgh and David Hume "anent the insolence committed be him aganis the saids provost and bailleis upon the Hie Streit of Edinburgh in abusing them with contumelious speeches and drawing of a sword, for the quhilk he is prissouner in the tolbuith of Edinburgh," ordain the provoost and bailies to liberate him in so far as he is warded for this, seeing he has acknowledged his offence and craved their pardon, and of his own accord has acted and obliged himself not to trouble nor injure Sir William Dick of Braid nor any others dwelling within the bounds and liberties of Edinburgh in word or deed, and for that effect that he will carry no sword, baton, knife nor other weapon within the said liberties, under the pain of perpetual imprisonment and lying in the irons. They further ordain the provost and bailies to deliver the sword which they took from the said David Home to the gentleman to whom it belongs.

P. 164.

Commission to examine the coffers of the Earl of Antrim.

Sederunts, February 1635-November 1643. Fol. 98, b.

"The Lords of Privie Councell gives commission to the Clerk Register, Justice Clerk, and Dundas, or anie tua of thame, to take a survey of the Earle of Antrims coffers and what is in thame, and, if they find no papers of intelligence or what may concerne the publict, to redelyver the trunks and dismiss the servants."

Edinburgh, 29th November 1642.

Decreta, November 1641-October 1646. P. 164.

Sederunt:—Chancellor; Hamilton; Eglinton; Glencarne; Lauderdaill; Lothiane; Southesk; Dalhousie; Calander; Yester; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cavers; Innes; Dun; Dundas.

Complaint by John Water in Woodhead of Touchadam and others, who are accused of sheep-stealing, against Mr John Rollock, sheriff-depute of Stirling, to whom they

Complaint by John Water in Woodheid of Touchadam, John Water, his oy (grandson); Gilbert Water, his son; David Modrell in Muremilne of Dundaff, and Robert Stevinsone in Buckieburn, as follows:—They have been heavily troubled before Mr John Rollock, sheriff depute of Stirline, at the instance of John Duncan in Touchmaller, Robert Stevinsone there, Andrew Sheriff *alias* Johnestoun there, and William Archibald in Touchadam, for the alleged taking of some sheep from them, first in a civil pursuit, and now, when they saw that was to fail, in a criminal

object as a judge in the action raised against them.

pursuit at the instance of the procurator fiscal. This is a business "of a strange nature wherein they cite the compleanners to underly the law for thift and ressett of thift, and to heare them decerned to be judged to dee the death and their moveables confiscat; in the which pursute the compleanners have just ground to suspect the cariage of the said shireff deput and his clerk, whois servant is brother to the said Johne Duncan, and that the same is onelie moved to bring the compleanners under the feare of ane assise and force them to compone, and to bring their name under the odious aspersion of thift, whereof the parteis know they ar innocent, otherwise they would not have past from their former civil action. Neither hes it ever beene heard within the shirefdome of Stirline that the principall shireff, far less a deput, could sitt upon the life and estat of the subject without commission from the Counsell where the partie is not apprehended reid-hand." The complainers do not refuse trial at the hands of an unsuspect judge, and have found caution to appear before the Justice and his deputes on lawful warning under the penalties contained in the acts of Parliament. Charge having been given to the said Mr John Rollock, John Williamsone, his clerk, Robert Smith, procurator fiscal, John Duncan, Robert Stevinsone and Andrew Sherar [*sic*], and John Water compearing for himself and the remanent pursuers, the sheriff depute for himself and his procurator fiscal and clerk, and the rest of the defenders compearing by Seatoun of Touch and Murrey, apparent of Polmais, the Lords, after hearing parties, remit this matter back to the said sheriff depute to do justice herein, and, to take away all pretext of suspicion, they appoint Thomas Bruce, provost of Stirline, and Mr Robert Murrey, commissary there, or either of them, assessors to the said sheriff depute herein. Decreta, November 1641–October 1646. P. 164. P. 165. P. 166.

Supplication by John Bulcraig and Alexander Martine, prisoners of the Turks in Sallee, for a recommendation to the lieges to contribute towards their ransom.

Supplication by John Bulcraig and Alexander Martine, sailors in Leith, as follows:—They and their company were recently taken by the Turks and carried to Salie, "where they have beene keeped, as they ar yitt in great miserie and slaverie, working all the day like hors, bound with ane yrne chaine of threescore pund weight about their leggs, and cruellie beattin, and at night putt doun in a pit of 26 faddom deep, and fed upon beir bread and water." They are redeemable on payment of their ransom, which being but poore sailors they cannot raise, but "must expect the same from the benevolence of compassionat Christians." They crave a recommendation for this from their Lordships. The Lords, "commiserating the deplorable condition of the saids supplicants," recommend their case to all noblemen, barons and gentlemen, magistrates of burghs, synods, presbyteries and sessions of kirks and other charitable Christians whatsoever upon both sides of the Water of Forth, and desire them to give their contributions to William Riddoch, indweller in Leith, who has acted himself to apply the same for the purpose intended. The recommendation is to endure for one quarter of a year and no longer. P. 167.

Similar supplication by

Supplication by James Campbell, sailor in Air, as follows:—In

Decreta, November 1641-October 1646. P. 167.

April last he was taken captive by "the mercilesse Turkes and brought to Salie, where he hes lived with his companie in great miserie, compelled to work like ane hors in the day, with yrne chaines on his legges and sore beatten with manie straikes and fed on bread and water, and in the night keeped in a deep dungeoun and deprived of all Christian confort, and he hes nothing to pay his ransom, but must expect support from charitable Christians." He craves a recommendation, and the Lords grant this as in the former case to be used in the shires of Air, Lanerk and Renfrew, only for three months and no longer, the money to be paid to Matthew Campbell, the supplicant's father, who has acted himself to apply the same for his son's ransom.

James Campbell, sailor in Ayr.

Sederunts, February 1635-November 1643. Fol. 100, a.

"Ane act past appoynting a justice court to be keept at Jedburgh the 1 of Februar and another at Dumfreis the 15 of Februar, and appoynteing assessors to the Justice in these courts."

Justice-court to be held at Jedburgh.

"Ane comission past aganis fugitives frome the former justice courts in the Borders for apprehending of thame."

Fugitives from the Border justice-courts.

"The Lords thinke fit and thairwithall ordanis the haill noblemen of the south Borders to be present at the justice courts abovewryten and to assist in everie thing that may tend to the strenthning of his Majesties auctoritie in the saids courts, and that letters be written to thame for that effect."

Justice-courts on the Borders

"The quhilk day in presence of the Councel compeired personalie Mr William Wallace, shireff deput of Edinburgh, Mr William Hog, shireff deput of Hadinton, Mr John Rollock, shireff deput of Stirline, and Pearson, shireff deput of Forfar, in obedience of missive letters direct be the Councell to thame for that effect and exhibit thair gifts of shireff deputs under the privie seal, and protested that this production at desyre of the Councell sould be without prejudice of thair laufull and just defences why these gifts cannot be recalled or discharged as accords of the law, quhilk protestation the Lords admitted."

Protestation by Mr William Wallace, sheriff-depute of Edinburgh, and other sheriff-deputes anent their appearance before the Council.

Borders, 1603-43. Fol. 101, b.

"Forsamekle as of a long tyme agoe by the force of His Majesteis auctoritie and lawes the peace of the Borders betuix the kingdoms of Scotland and England wes happilie settled, but now for want of joynt commissions of justitiarie to persons of qualitie in both kingdomes his Majesteis peace in the said Borders is brokin and his good subjects there infested in their persons and goods by depredations, thifts, stouthreaffes and others nefarious facts committed be the persons under-

Fol. 102, a.

written:—they ar to say, Johne Johnston of Graitney, George Graham callit Christeis Geordie, George Caruthers, portioner of Butterquhat, Harbert Scharp in Harschot, Thomas Johnston called the Cleg, David Bell called of Craighous, Christie Armstrang in Stubhorne, Margaret Hunter sometime in Lochfoot now in Dumfreis, Thomas Bell called Shaikfoot, Johne Henderson in Ingleston of Drumgrie, James and Edward Johnstons in Earshag, James and George Johnstons in Broomhill, George Dowie *alias* Roy in Braidshaw, William Dickson in Lymkill, Johne Johnston, sone in law to James Graham in Corrilaw, Johne

Edinburgh, 29th November 1642.

A justice-court to be held at Jedburgh and Dumfries respectively for the trial of criminals on the Borders, and a commission appointed for the apprehension of the said criminals.

Armstrang called of the Syd, Symmie Armstrang *alias* Caffeild, Francis Armstrang, sone to Francis Armstrang called of Kynmont, Hob Elliot called of Thorbishop, Will Croser, sone to umquhill Johne Croser called the Fryday theefe, Johne Graham in Quhithauchmilne, Johne Armstrang in Wintropheid, Johne Armestrang called of Capilgill, William Foster, brother to umquhill James Foster in Greina, Sym Armstrang called Archeis Sym, Johne Armstrang called Unschank, Jock Elliot called Jock a gods name, Sym Wilson, called the Colt, Robert Elliot, sone to Hobbeis Chrystie, Johne Wigham, sone to William Wigham in Neather Quhisgills, William Stauert called the Chiftan, James Clerk in Sprotsknow in Oxnem, William Johnston called Langside of the Gall, Johne Johnston of Richartrig, Daniel Irvin called of Kirkpatrick, Johne Jackson in Achindynning, William Blaiklock thair, Johne Wichtman in Clairfoot, Johne Graham called of the Gall, Gawin Tagart of Bus, Ludovik Carruthers of Wormibie, Richard Irwin called young Willeis Richie, James Irwin, his brother, Johne Tagart in Birsha, Archibald Steill, servitour to William Halyday in Fenton, Robert Jonston of Butterquhat, Andro Pott, sone in law to the Cleg, William Johnston of Mellumtae, Archibald Johnston, called of Catlyns, Johne Blaiklock in Neather Mossop, Simon Corrie in Granton, Martine Glendoning in Moffet, Francis Bell in Greengaithous, William Huchesone in Guthheid, William Johnston, oy to Cuddie of the Hais, William Johnstoun of Brigmure, John Johnston called of the Gall, George Armstrang, sone to Francie of Kynmont, Johne Carruthers called Jock of Raffills, Johne Dinwiddie in Cleuchbrae, Simon Johnstoun in Moffat, Johne Graham of Ley, Johne Bell in Aldhall, Johne Graham, hird in Kadmurehous, Robert Gilmorsone in , Johne Kynmont called Perknow, Alexander Kynmont called Franceis Sandie, George of Kynmont and James of Kynmont, Johne of Kynmont called Johne of Sark, William of Kynmont his brother, Sym Armstrang of Quhitslieside, William Armstrang of Wodheid, Francis Armstrang, his brother, Percie Rayning at Quhitslieside, Gawin of Raggat, Edie Graham called Tulleis Edie, Walter Scot called Watt of the Bus, Johne Armstrang, sone to Thom of Mangerton, William Armstrang called of Cannabie, Lyell Croser, Croser, his sone, Robert Elliot, called Chrysteis Hob, Robert Henderson, Henderson, his brother, Francie Armstrang, brother to Quhithauch, William Elliot, called of the Boulex, Hucheon Armstrang and Elliot, sometime servant to Stitchell, who ar knowne to be notorious criminalls, theeves and ressetters of thift, and most part of thame are declared fugitives and outlawes, whois insolenceis hes beene represented to the Lords of Privie Counsell be the presbytereis of Lochmaben and the noblemen, barons and gentlemen in the Borders; for sattling the peace quhairof and repressing the insolenceis foresaids the saids Lords of Privie Counsell hes appointed tua justice courts to be keeped, the one at Jedburgh upon the first day of Februar nixt and the other at Dumfreis upon the 15 day of the same moneth, unto the which it is verie requisite

Borders, 1603-43. Fol. 102, a.

Fol. 102, b.

Borders, 1603-43. Fol. 102, b. Fol. 103, a. the persons abonewrittin be brought and exhibit to underly thair deserved punishment, for quhilk purpose the saids Lords hes givin and granted and be the tenor heirof gives and grants full power and commission, expresse bidding and charge to Francis, Earle of Buccleuche, William, Earle of Dumfreis, James, Erle of Quenisberrie, Archibald, Lord Angus, Henrie, Lord Ker, John, Lord Linton, James, Lord Johnston, Thomas, Lord Kirkcudbright, James, Master of Cranston, Sir William Douglas of Cavers, shireff of Tiviotdaill, Sir Robert Greir of Lag, Sir William Scot of Harden, James Douglas of Mouswell, William Maxwell of Kirkhous, Sir Thomas Ker of Cavers, George Douglas of Bonjedburgh, William Scot of Tinneis, curator to the Earle of Buccleuch, William Elliot of Stobbs, Robert Pringill of Stitchell, Sir Andro Ker of Greenheid, Robert Ker of Gradin, Johne Maxwell of Couhill, Johne Maxwell of Langholme, and the provest and bailleis of Jedburgh and Dumfreis, conjunctlie and severallie, to convocat his Majesteis lieges in armes, and to pas, searche, seeke, and take the persons fugitives and delinquents particularlie abonewrittin wherever they may be apprehended, and to bring, present and enter them at the saids tua justice courts, time and place foresaid, to underly thair tryell and punishement for the crimes foresaids as accords; and in caise it sall happin the saids persons for eshewing of apprehension to flee to strenths and houssis, with power to the saids commissioners to pas, follow and persew them, assiege the said strenths and houssis, raise fire and use all kynd of force and warlike ingyne that can be had for winning and recoverie of the same and apprehending the saids fugitives and delinquents being therein; and if in pursute of the saids persons, they refuseing to be tane, it sall happin them or anie being in companie with them in the saids strenths and houssis and assisting them to be hurt, wounded, mutilat or slaine or anie other inconvenient to follow thereupon, the saids Lords declares that the same sall not be impute to the saids commissioners nor persons assisting Fol. 103, b. them in execution of this commission as crime nor offence, and that they nor none of thame sall not be called nor accused therefore criminallie nor civillie be anie maner of way in time coming, exonering them thereof and of all payne, crime and danger they may incurre therethrow *simpliciter* be thir presents; and generallie, etc.; firme, etc.; and ordains letters to be direct to make publicatioun heirof at all places neidfull, wherethrow nane pretend ignorance of the same, and to command and charge all and sindrie his Majesteis lieges and subjects to reverence, acknowledge, obey, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the execution of this commission, and to doe nor attempt nothing to the prejudice thairof, as they will answer upon the contrarie at thair perrell. This commission to endure till the last of Februar next."

" Forsamekle as there hes beene diverse supplications given in to the Lords of Privie Counsell be the heretours and ministers dwelling in the Borders of this kingdome towards England complaining on the manifold Justice-courts to be held at Jedburgh and Dumfries on the 1st and

15th of February next respectively. thifts, ressetts of thift, slaughter, depredations, breaking of ministers houssis, witchecraft, charming and others odious crimes committed be a number of lawlesse and insolent persons, who ar the more encouraged to goe on and persist in thair lawlesse and godlesse practyses aganis his Majesteis good subjects through the want of execution of justice in these bounds, and the Lords of Privie Counsell, being willing and carefull that the saids thifts and others crimes foresaids may be punished and represt in time coming and justice administrat to his Majesteis good subjects, they have for this effect appointed and be the tenor heirof appoints a justice court to be keeped at Jedburgh upon the first day of Februar nixt and another at Dumfreis upon the 15 day of the same moneth of Februarie nixto- come be his Majesteis Justice Generall and his deputs. Lykeas the saids Lords have heirby appointed and appoints Sir William Douglas of Cavers, Sir Robert Greirsone of Lag, Sir William Scot of Harden, Sir Thomas Ker of Cavers, and James Johnestoun of Corheid, or anie tua of them, to be assessors to his Majesteis Justice Generall in the saids tua courts; and for the better preparing of the processis of parteis aganis that time the Lords ordains precepts to be direct in the name of his Majesteis Justice Generall for summonding of all such persons as sall be givin up in roll to him as delinquents to appeare and answer at the saids dyets, and where the parteis cannot be had personallie nor at thair dwelling places, the Lords declares the execution of the saids precepts at the parish kirks and mercat croces of the heid burrowes of the shires where the parteis compleanned upon doe oftest resort, to be sufficient in all suche caises, and ordains publicatioun heirof to be made at all places neidfull, wherethrow nane pretend ignorance of the same." Borders 1603-43. Fol. 103, b. Fol. 104, a.

Edinburgh, 1st December 1642. *Sederunt:*—Chancellor; Hamilton; Eglinton; Glencarne; Lauderdaill; Lothian; Southesk; Dalhousie; Calander; Balmerino; Advocate; Justice Clerk; Treasurer Depute; Cavers; Dundas; Din. Acta, November 1641-October 1646. Fol. 64, a.

Commission to the Earl of Lothian to proceed to France and treat for the renewal of the ancient privileges of the Scots in France. See *ante*, p. 346. "The Lords of Secreit Counsell of the kingdome of Scotland, having tane to thair consideration the ancient alliance and federation of the said kingdom with the kingdom of France, together with the digniteis, priviledges, liberteis and immuniteis formerlie injoyed be the Scottish nation of all rankes in France upon deserving and honnorable grounds, and that for the present the samine hes not beene injoyed be them, as hes beene particularlie remonstrat to his Majestie and the saids Lords, who being verie carefull and sollicit for renewing, strenthening and confirming the said ancient league and alliance betuix the two kingdoms and for restoring the subjects of this kingdome to their saids digniteis, priviledges and immuniteis, preserving the same inteir in time comming and repairing of their losses, and the saids Lords being authorized be his Majestie to appoint some to treat with suche as sall be appointed be the Frenche King thereanent, and having good prooff and experience of the affection and abiliteis of his Majesteis trusty cousine and counseller, Fol. 64, b.

Acta November 1641–October 1646. Fol. 64, b.

William, Earle of Lothian, Lord Newbottle, to doe good and acceptable service to his Majestie and the countrie in this particular, therefore the saids Lords of Privie Counsell hes nominat, elected and chosen, made and constitut, and be the tenor heirof nominat, elect and choose, make and constitut the said Earle of Lothian his Majesties commissioner to the effect underwritten, givand, grantand and committand to him full power and commission to repaire to the kingdom of France, and there to treat and deale with such as sall be warranted be the Frenche King anent the restoring of the subjects of this kingdome of all conditions to the priviledges and liberteis formerlie injoyed be thame and their predecessors in the said kingdom of France, and for preserving the same inteir without anie diminution in all time comming, and anent the redresse of such losses as they have latelie susteanned by infringement of thair saids priviledges, and also tuiching the mutuall and reciprocall priviledges due and acclamed be the Frenche within this kingdom and for strenthening and confirming thairof, with power to the said Earle to agree and conclude thereanent, according to the instructions heerwith given to him, and to heare and receave all such propositions as sall be made for corroborating the said ancient league and alliance and to acquaint the Kings Majestie and Lords of Privie Counsell therewith; and generallie all and sindrie other things to doe, exerce and use quhilks for execution of this commission ar requisit and necessar according to the instructions foresaids; firme and stable halding and for to hold all and whatsomever things sall be lawfullie done heerin; ordaining heirby the said Earle to make report of his proceedings to his Majestie and his Counsell, to the effect the same may be ratified in the nixt Parliament."

Fol. 65, a.

"The Lords of Secreit Counsell, having considered the contract made for furnishing 90 last of hering for the Scotish armie in Ireland, they doe allow theirof; lykeas Johne, Earle of Loudon, Lord Chancellor, undertooke for Sir Mungo Campbell of Lawers, colonell, his brother, and Alexander, Earle of Eglinton, William, Earle of Glencarne, and William, Earle of Lothian, etc., undertook for themselves to pay the proportionable parts of the said hering for thair severall regiments, in respect quhairof the saids Lords of Privie Counsell ordains the herring to be transported to Ireland and divided amongs the said severall regiments." Approval of a contract for the supply of herring to the Scottish army in Ireland.

Sederunts, February 1635–November 1643. Fol. 100, b.

"The Lords gives comission to the Lord Chancellor, Hamilton, Argyle, Lauderdail, Louthian, and Balmerino, or the most part of thame, to draw draught of suche instructions as they thinke fitting to be given to the Earle of Louthian in his comission to France, and to represent the same to the Councel." The Earl of Lothian's commission to France.

Sederunt:—Chancellor; Leven; Hamilton; Argyl; Eglinton; Glencairne; Lauderdail; Louthian; Southesk; Yester; Balmerino; Treasurer Depute; Dundas; Cavers. Edinburgh, 6th December 1642.

[No record of business.]

Edinburgh, 8th December 1642.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Glencarne; Murrey; Lauderdaill; Lothian; Southesk; Dalhousie; Angus; Balmerino; Advocate; Justice Clerk; Sheriff of Teviotdale. Acta, November 1641-October 1646. Fol. 65, a.

£2000 sterling granted to the Earl of Lothian to defray the expenses of his commission to France.

"Forsamekle as the Earle of Lothian is imployed be the Kings Majestie and Lords of Privie Counsell to repaire to the kingdom of France with commission for his Majesties service and good of this kingdom, the Lords of Privie Counsell have modified the soume of tua thousand punds sterline money to be givin to the said Earle for defraying of his expenses in this imployment, and to be payed out of the first of his Majesties rents and casualiteis, and ordains the Commissioners of the Treasurie to caus the said soume of 2000lb. sterline be tymouslie delivered and payed to the said Earle out of his Majesties saids rents and casualiteis. Lykeas the saids Lords of Privie Counsell doe heirby oblige themselves to procure his Majesties warrant for allowing of the same in the compts of the Commissioners for the Treasurie together with the annuell and expenses that sall happin to follow heiron."

Contract by James Hamilton of Boigs and James Stuart, merchant burgess of Edinburgh, to supply victual to the army in Ireland.

"Forsamekle as James Hamilton of Boigs and James Stuart, merchant burges of Edinburgh, hes at the desire of the Lords of Privie Counsell undertane and bound themselves in presence of the Counsell to furnish and send over for the use of the Scotish armie in Ireland tua thousand bolls of sufficient oat meale, by and attour the ten thousand bolls alreadie agreed unto be them, and to delyver the same in bleitched hardin secks Fol. 65, b. at Knockfergus betuix and the first day of Januar nixtocome or at the least the one halfe theirof betuix and that time and the other halfe with all possible speed at ten punds Scotish the boll, quhilk price and soume the Lords of Privie Counsell bind and oblige them to caus presentlie be payed to the saids undertakers; and in respect of the great panes and travells takin or to be takin be the said James Hamilton and James Stuart in this earand and in the furnishing and sending over of the saids ten thousand bolls and tua thousand bolls, being tuelffe thousand bolls in whole, and in respect of the dearth of victuall and smalnesse of gayne, the Lords declares they will give to the said James Hamilton and James Stuart the soume of ane thousand punds sterline for their reward by and attour the price of tuelffe thousand bolls at ten pund the boll, and that they will give present order for paying thereof out of the first and readiest of the moneyes due to be payed be the Parliament of England to the armie in Ireland; and, as in the former bargane, the Lords will beare the sea hazard of thir tua thousand bolls now to be furnished."

Edinburgh, 13th December 1642.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Glencarne; Lauderdaill; Lothian; Southesk; Yester; Balmerino; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cavers. Decreta, November 1641-October 1646. P. 168.

Complaint by Isobel Forbes, Lady William.

Complaint by Isobel Forbes, Lady Williamston, and Thomas Areskine of Pittodrie, her husband, as follows:—On 14th December, 1633, William

Decreta, November 1641–October 1646. P. 168.

Coutts of Auchterfoull was put to the horn for non-payment of a debt of 1200 merks and interest and expenses due thereupon; but he pays no heed to the same. Thomas Areskine compearing for himself and his wife but the defender not compearing, the Lords ordain the said William Coutts and all havers of the house of to render the same, and him to enter himself in ward within the castle of Blacknes within fifteen days after being charged, on pain of treason.

ston, against William Coutts of Auchterfoull for contempt of horning.

P. 169.

"Forsamekle as there ar certane good acts made be his Majestie and his predecessors much conducing to the glorie of God, the punishment of vice and commoun weale of this realme, quhilks heirtofore have tane small effect in default of speciall commission to execut the same, as is necessar in everie particular landwart parish," the Lords grant commission hereby to Thomas Hay of Park, Hugh Kennedie of Synnons, James Ros of Barneill, John Cathcart of Genigh, William Kennedie of Gillespick, John McDougall of Creuche, Quinten McDougall of Barlokhart and William Baillie of Meikle Drumragat, or any three of them, as his Majesties justices in that part within the parish of Glenluce, to put the said acts of Parliament to execution, viz., "Anent the crime of fornication, anent drunkards and swearers of abominable oaths, anent them that perturbs the kirk in time of Divine service, anent them that knows themselves under the processe of excommunication, discharging of mercats and labouring on Sunday, playing and drinking in time of sermoun, that householders have bibles and psalme bookes, for punishing of strong and idle beggers and releefe of the poore and impotent within the bounds of the said parish." They are to hold courts, summon assizes and witnesses under the penalty of 20s., and to apply the fines and proceeds of the courts for the relief of the poor of the said parish. This commission is to endure for one year.

Commission to Thomas Hay of Park and others to enforce certain acts against immorality in the parish of Glenluce.

Acts, November 1641–October 1646. Fol. 65, b.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Glencarne; Lauderdaill; Lothian; Southesk; Yester; Balmerino; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cavers.

Edinburgh, 15th December 1642.

"The Lords of Privie Counsell gives warrant to the Lord Register to give out under his hand just copeis of all such writts, infeftments or charters as doe concerne the Dutchie of Chatteleraut and the Marquis of Hamilton's interesse thereto, notwithstanding the principalls of the saids writts ar not keeped be the said Lord Register with the remnant publict records of the kingdome. Whereanent thir presents sall be to the said Lord Register sufficient warrant."

Warrant to the Lord Register to supply copies of writs and other documents relating to the Duchy of Chatelherault.

Decreta, November 1641–October 1646. P. 170.

Sederunt ut die predicto.

Edinburgh, 15th December 1642.

"Forsamekle as there hes beene some rancounters alreadie and appearance of trouble like to fall out heerafter betuix Sir Gilbert Meinyeis of Pitfoddells, on the one part, and Johne Forbes of Leslie, on the other

Sir Gilbert Menzies of Pitfoddells and John Forbes of

Leslie to find caution to keep the peace.

part, who intend to draw their freinds and followers together in convocations and backings within and about the toun of Aberdene to the disturbance of the publict peace," charge has been given to both parties to compear this day; and Sir Gilbert compearing personally and John Forbes by Mr James Baird, advocate, his procurator, (who produced a certificate under the hands of Dr Din and the minister of Aberdene of his sickness and inability to attend, whereupon his absence is excused), the Lords ordain both parties to find caution for keeping the peace under a penalty of 10,000 merks. The Laird of Pitfoddells is to find this caution presently and John Forbes before 10th January next, and the former is not to be in force until the latter is found, but the principals meanwhile are declared to be obliged from the date of the first charge.

Decreta, November 1641–October 1646. P. 170.

Caution by Sir Gilbert Menzies of Pitfoddells that he will keep the peace.

John Blackhall of that Ilk, compearing personally, became cautioner in 10,000 merks for Sir Gilbert Menyeis of Pitfoddells that he will keep the peace with John Forbes of Leslie, and not molest him nor his otherwise than by order of law, and that he "sall behave himselfe in a quiet and sober maner as a peaceable and good subject," with clause of relief.

P. 171.

Complaint by Bessie Marjoribanks, widow of Mr Thomas Gray in Peterhead, and others against Thomas Gordon of Dilspro for ejecting the tacksmen of the complainers from their lands.

Complaint by Bessie Marjoribanks, widow of Mr Thomas Gray in Peterheid, liferenter of the town and lands of Dilspro, mill and mill lands therof, and Robert Cheyne in Aldgovell and Thomas Mercer in Old Aberdene, tacksmen thereof, as follows:—The said deceased Mr Thomas comprised these lands from Thomas Gordoyn of Dilspro about Whitsunday last and set the same to the said tacksmen, who entered on possession, but, after the death of the said Mr Thomas in September last, the said Thomas Gordoun of Dilspro and Margaret Allerdas, his spouse, with a number of lawless and broken persons armed with swords, staves, and other weapons, came in the same month under cloud and silence of night to the said lands, entered the houses and assaulted the said tacksmen and their servants, violently thrust them to the doores and would not suffer them to labour the lands or keep the mill, or their goods thereupon, to their great prejudice and that of the poor widow. The pursuers compearing by Mr Andrew Marjoribanks, advocate, their procurator, but the defenders not compearing, the Lords ordain the latter to be put to the horn and escheated.

The expenses of the Earl of Lothian.

See *ante*, p. 356.

"A letter sent to the Earle of Lanerick and to his Majestie for allowing 36,000 merks for defraying the Earle of Louthians charges, and a band granted be the Councel to Sir John Smith for that money."

Sederunts, February 1635–November 1643. Fol. 101, a.

Edinburgh, 16th December 1642.

[No record of Sederunt.]

Acts, November 1641–October 1646. Fol. 65, b.

Charge to . . . Johnston, younger of Barclay, and Alexander Keith of Kirkton, accused of breaking the

"Forsamekle as upon the 14 day of December, being Sunday, Johneston, younger of Barclay, and Alexander Keith of Kirkton having made great convocation of their freinds of purpose to come to the kirk of Mariekirk, and there to enter in some squabling about a seate in the kirk to the breake of his Majesties peace, and Sir Robert Grahame of

Fol. 66, a.

Acta, November 1641–October 1646. Fol. 66, a.

Morphie, one of his Majesties Privie Counsell, being informed heirof, out of the duetie of his place did discharge both parties to come to the said kirk with anie convocations but in a peaceable way till their differences sould be sattled be the course of justice; notwithstanding quhairof the said Barclay in contempt of his Majesties counseller came with great convocation of his freinds in a tumultuarie and lawlesse forme to the said kirk, and thereby did what in him lyes to breake the peace of the countrie, quhilk is ane insolence and contempt of dangerous consequence and cannot be past over with impunitie; and therefore ordains letters to be direct charging both parteis to compeir before the Counsell upon the 3 of Januar nixt to underly the Counsells pleasure for the peace of the countrie, and the said Barclay to answer for his said contempt, under the pane of rebellion, etc., with certification, etc.

Peace in connection with a seat in the church of Marykirk, to appear before the Council.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Glencarne; Lauderdaill; Southesk; Lanrick; Angus; Yester; Balmerino; Balcarres; Clerk Register; Treasurer Depute; Dundas; Wauchtun; Cavers; Innes.

Edinburgh, 20th December 1642.

"The whilk day there wes a letter presented to the Lord Chancellor and direct to the Counsell from the Earle of Lindsey of the 14 of December instant, within the which wes enclosed a declaration sent from the Parliament of England of the date the 7th of November, craving supplee of forces from this kingdom for assisting them to suppresse the armie of papists in that kingdom, quhairof the tenor followes:—We, the Lords and Commouns assembled in the Parliament of England, considering with what wisdom and publict affection our brethren of the kingdom of Scotland did concurre with the endeavoures of this Parliament and the desires of the whole kingdom in procuring and establishing a firme peace and amitie betuix the tuo nations, and how lovinglie since they have invited us to a neerer and higher degree of union in maters concerning religion and church governement, which
Fol. 66, b.
we have most willinglie and affectionatlie embraced and intend to pursue, cannot doubt but they will with als much fordwardnes and affection concurre with us in settling peace in this kingdome and preserving it in their owne, that so we may mutuallie reape the benefit of that amitie and alliance so happilie made and stronglie confirmed betuix the tuo nations. Wherefore, as we did above a yeere since in the first appearance of trouble then beginning amongst them actuallie declare that in our sense and apprehension of the nationall alliance betuix us we wer therby bound to apply the auctoritie of Parliament and power of this kingdom to the preservation and maintenance of their peace, and seing now that the troubles of this kingdom ar growne to a greater hight, and the subtile practises of the commoun enemie of the religion and liberteis of both nations doe appear with more evidence, strenth and danger nor they did at that time, we hold it necessarie to

Letter from the Parliament of England requesting the support of Scotland against the army of papists and foreigners which is about to muster round the King.

declare that in our judgement the same obligation lyes upon our brethren by the aforementioned act with the power and force of that kingdom to assist us in repressing these amongst us who ar now in armes, and make warre not onelie without consent of Parliament but even aganis the Parliament and for the destruction thereof." Acta, November 1641–October 1646. Fol. 66, b.

"Wherefore wee have thought good to make knowne to our brethren that his Majestie hes givin commissions to diverse eminent and knowne papists to raise forces and to compose ane armie in the north and others parts of this kingdom, whiche is to joyne with diverse forrane forces intended to be transported frome beyond the seas for the destruction of this Parliament and of the religion and libertie of this kingdome, and that the prelaticall part of the clergie and their adherents have also incited his majestie to raise another armie which in his owne person he doeth conduct agains the Parliament and the citie of London, plundering and robbing sindrie weill affected touns within their power; and that in prosecution of their malice they ar so presumptuous and predominant over his Majesties resolutions that they forbeare not these outrages in places to which his Majestie hes givin his royall word and protection; a great caus and incentive of which malice proceeds frome the designe they have to hinder the reformation of ecclesiasticall governement in this kingdome, so much longed for by all true lovers of the protestant religion. And heerupon we further desire our brethren of the nation of Scotland to raise such forces as they sall judge sufficient for securing the peace of their owne borders agains the ill affected persons there; as likewise to assist us in suppressing the armie of papists and forrainers which, as we expect, will shortlie be on foot heir, and if they be not timelie prevented may prove als mischeevous and destructive to that kingdom as to ourselves. And though we seeke nothing frome his Majestie that may diminish ather his just auctoritie or honour, and have by manie humble petitions endeavoured to putt an end to this dangerous and unnaturall warre and combustion in the kingdom, and to procure his Majesties protection and securitie for our religion, libertie and persons, according to that great trust which his Majestie is bound by the lawes of the land, and sall still continue to renew our petitions in that kynd, yitt to our great greefe wee see the papisticall and malignant counsell so prevalent with his Majestie and his person so engadged to their power that we have little hope of anie better successe of our petitions than we formerly had, and ar thereby necessitated to stand upon our just defence and to seek the speedie and powerfull assistance of our brethren of Scotland according to the act agreed upon in the Parliament of both kingdoms, the commoun deutie of christianitie and the particular interest of their owne kingdome, to which we hope God will give such a blessing that it may produce the preservation of religion, the honour, saifetie and peace of his Majestie and all his subjects, and a more strict conjunction of the counsells, designes and endeavours of both nations for the confort and releefe of the reformed churches beyond Fol. 67, a.

Acta, November 1641–October 1646.

the sea. *Datum* 7° November, 1642. *Subscribitur*, Jo. Browne, *Cleric. Parliamentorum.* H. Elsyng, Cler. Parl. D. Com^{tt}."

Fol. 67, b.

"Lykeas the Earle of Lanrick, his Majesties Secretar, produced a letter frome the Kings Majestie direct to the saids Lords, conteaning his Majesties pleasure concerning the said declaratioun, and therewithall declared that it wes his Majesties pleasure that the said letter sould be printed, and so made knowne to all his Majesties good subjects of this kingdome. Quhilk letter being read in the presence and hearing of the saids Lords, they have concluded and ordained that, according to his Majesties pleasure signified unto them be the Secretar present, order be given for printing the same, quhairof the tenor followes:—

Order for the publication of a letter from his Majesty in reply to the above communication from the Parliament of England.

CHARLES R. —Right trustie and welbelovit cousins and counsellers, right trustie and welbelovit counsellers, we greit yow weill. We have latelie seene a paper presented to us by the Earle of Lindsey as a declaration of the Lords and Commouns assembled in the Parliament of England of the 7th of November to our subjects of our kingdom of Scotland, which, after manie high taxes of us and our governement, verie earnestlie incites and in a maner challenges assistance from that our native kingdom of men and armes for making warre aganis us, making a clame to that assistance by virtue of the late act of pacification, to the which (out of our desire to make a perpetuall union betweene our tuo kingdoms for the happines of both, and by it the more firmelie to establish our owne greatnes and just power) we cheerefullie consented. As we ar at our soule afflicted that it hes been in the power of anie factious, ambitious and malicious persons so far to possesse the hearts of manie of our subjects of England as to raise this miserable distraction in this kingdom aganis all our reall actions and endeavours to the contrarie, so we ar glade that this rage and furie hath so far transported them, that they apply themselves in so grosse a maner to our good subjects of Scotland, whois experience of the religion, justice and love of our people will not suffer them to beleeve these horrible scandalls layed upon us, and their affection, loyaltie and jealousie of our honnor will disdane to be made instruments to oppresse their native soveran by assisting ane odious rebellion.

His Majesty's letter.

Fol. 68, a.

"We have from time to time acquainted our subjects of that kingdom with the accidents and circumstances which have disquyetted this, how (after all the acts of justice, grace and favor performed on our part, which wer or could be desired to make a people compleitlie happie) we wer drivin by the force and violence of rude and tumultuous assembleis from the citie of Londoun and our houses of Parliament; how attempts have beene made to impose lawes upon our subjects without our consent, contrarie to the foundation and constitution of this kingdom; how our forces, goods and navie wer seazed, taken from us by force, and imployed aganis us, our revenues and ordinarie subsistence wrested from us; how we have been pursued with scandalous and reproachfull language, bold, false and seditious pasquels and libells publictlie allowed against us,

and beene told that we might, without want of modestie and duetie, be deposed; how after all this (before anie force raised by us) an armie wes raised and ane generall appointed to lead that armie against us with commissioun to kill, slay and destroy all such who sould be faithfull to us; that when wee had beene by these meanes compelled, with the assistance of our good subjects, to raise ane armie for our necessarie defence, wee sent diverse gracious messages earnestlie desiring that the calamiteis and misereis of a civill warre might be prevented by a treatie, and so wee might know the grounds of this misunderstanding, how we wer absolutlie refused to be treatted with; and how at last the armie raised (as wes pretended for the defence of our person) wes brought into the feild aganis us, gave us battell, and (tho it pleased God to give us the victorie) destroyed manie of our good subjects with als eminent danger to our owne person and our children, as the skill and malice of desperat rebells could contrive; of all which and the other indigniteis which have been offered us we doubt not the duetie and affection of our Scotish subjects will have so just a resentment that they will expresse to the world the sense they have of our sufferings. And our good subjects of Scotland ar not, we hope, so great strangers to the affaires of this kingdome to believe that this misfortoun and distractioun is begott and brought upon us by our two houses of Parliament (though, in truth, no unwarrantable actioun aganis the law can be justified even by that auctoritie), they weill know how the members of both houses have been drivin thence, in so much that of above 500 members of the House of Commouns there ar not now there above 80, and of above 100 of the Hous of Peeres not above 15 or 16, all which ar so awed by the multitud of ana-baptists, Brownists and other persons desparat and decayed in their fortouns in and about the citie of Londoun that, in truth, their consultations have not the freedom and priviledge which belongs to parliaments. Concerning anie commissiouns granted be us to papists to raise forces, we refer our good subjects to a declaration latelie sett furth by us upon the occasion of that scandall, which we send together with this. And for our owne true and zealous affectioun to the Protestant religioun (the advancement quhairof our soule desires) we can give no other instances then our constant practise, on which malice it selfe can lay no blemishes, and these manie protestations wee have made in the sight of Almightie God, to whom wee know wee sall be deerlie comptable if wee faile in the observation.

Acts, November 1641-October 1646. Fol. 68, a.

Fol. 68, b.

"For that scandalous imputation of bringing in forrane forces, as the same is raised without the least shadow or cullour of reason, and solemnelie disavowed by us in manie of our declarations, so their cannot be a deerer argument to our subjects of Scotland that wee have no such thought, then that we have hitherto forborne to require the assistance of that our native kingdome, from whois obedience, duetie and affection we sould confidentlie expect it, if wee thought our owne strenth heir too weake to preserve us, and of whois courage and loyaltie we sall looke to

Acta, November 1641-October 1646. Fol. 68, b.

make use before we sall think of anie forrane aid to succour us. And we know no reasonabill nor understanding man can suppose our good subjects of Scotland ar obliged or enabled by the late act of Parliament in both kingdoms to obey the invitation which is made to them by this pretended declaration, when it is so evidentlie provided for by that act, that as the kingdom of England sall not make warre aganis the kingdom of Scotland without consent of the Parliament of England; so that the kingdome of Scotland sall not make warre aganis the kingdome of England without the consent of the Parliament of Scotland, and when they have alwayes declared themselves so carefull of our honnour, saifetie and just rights which now undergoe such great violation.

Fol. 69, a.

"This wee have thought fitt to say upon occasion of this late declaration, and doe commend it to you, the Lords of our Privie Counsell of our kingdom of Scotland, to be communicated and published to all our loving subjects there. And, if the grave counsell and advice which yow derived hither by your act of the 22 of Aprile last had beene followed heir in a tender care of our royall person and of our princelie greatnes and auctoritie, then would not this face of confusion have appeared which now threattens this kingdome. And, therefore, we require yow to use your utmost endeavoures to informe our subjects of that our kingdome of the truth of our conditioun, and that you suffer not the scandalls and imputations layed on us by the malice and treason of some men to make ane impressioun in the mindes of our people to the lessening or corrupting their affectioun and loyaltie to us, but that yow assure them the hardnesse we now undergoe and the armes we have beene compelled to take up ar for the defence of our person and saifetie of our life, for the maintenance of the true protestant religion, for the preservation of the lawes, liberteis and constitution of this kingdom and for the just priviledges of parliaments, and we looke no longer for the blessing of heaven then we endeavour the defence and advancement of all these. And wee doubt not a duetifull concurrence in our subjects of Scotland in the care of our honnour and just rights will draw doun a blessing upon that nation too. Given at our Court at Oxen., the 5th day of December, 1642."

"The Lords of Privie Counsell continues the advising on the subject or mater conteanned in his Majesties said letter or declaration of the Parliament till a more frequent meeting of the Counsell."

The Declaration of the Parliament of England not to be printed.

"It being voiced whether or not it wes fitting that order sould be givin for printing the declaration sent from the Parliament of England it wes agreed unto that it wes not fitting to give order for printing thereof."

Decreta, November 1641-October 1646. P. 172.

Edinburgh, 22nd December 1642.

Sederunt:—Chancellor; General; Hamilton; Argile; Eglinton; Glencarne; Southesk; Lanerick; Calander; Angus; Yester; Balmerinocht; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Deput; Cavers.

Discharge to George, Earl of Seaforth, by Donald M'Leod, son to Donald M'Leod of Assynt, anent the lands of Alnein and Leadmore.

This day compeared personally in presence of the Lords, Thomas McKeinyie of Pluscardin in name of George, Earl of Seafort, his brother, and gave in to their Lordships a registered discharge granted by Donald McCleud, son of Donald McCleud of Assint, narrating that a complaint was given in to the late Parliament by his Majesty's Advocate and himself against George, Earl of Seafort, Mr Colin McKeinyie, his uncle, Kenneth McKeinyie of Skatwall, John McKeinyie of Fairbarne, and John McKeinyie of Ord, of some injuries done to the complainer and his tenants of his lands of Aluein and Leadmore, and to his said father about Whitsunday, 1641, which lands named were apprised at the instance of the said Earl of Seafort, at least of Thomas McKeinyie, of Pluscardin, his brother, to his use from the complainer's father, who obtained thereupon a decreet of removing and letters of horning and ejection to have taken possession. The complaint was remitted by Parliament to the Privy Council; nevertheless, seeing that what was done by the Earl of Seafort in the apprising was for just and true duties and in a lawful way, as he is informed, and that the complaints were therefore unadvisedly given in by him against the said Earl and his friends, for the repairing of the honour of the said Earl the said Donald, for himself and his father, declares and testifies before their Lordships and all others whom it concerns as above, and that he acted unbecomingly and rashly "toward the said noble Earle, contrare to that duetifull respect which I aucht to the said noble Earle," and so he passes from all complaints against them. He is content this discharge be recorded in their Lordships' books and appoints Mr Samuel Gray, his procurator, for doing so. The discharge is dated at Edinburgh, 20th December, 1642; witnesses, Mr Francis Hay of Balhousie, W.S.; Hew Fraser, his servitor; John McKeinyie of Darchirnie, William Ros, writer in Edinburgh, and Mr Thomas Nicolsone. It was written by Robert Stuart, servitor to Hew Ros, W.S., and presented before the Lords by Thomas McKeinyie of Pluscardin, who protested that in respect thereof the said Earl and his foresaids should at no time hereafter be obliged to answer to the said complaint; and the Lords admitted the protestation.

Decreta, November 1641-October 1646. P. 173. P. 174.

Commission to consider necessaries for the army in Ireland.

"The Lords recomends and gives comission to the Lord General, Hamilton, Argyle, Eglinton, Glencairne, Lauderdail, Callander, Balmerino, Wauchton, Innes, to conveene and consider on the best meanes for provyding things necessarie for the armie in Ireland, and what they thinke to be represented to the Earle of Lindsay thairanent and to report."

Sederunts, February 1635-November 1643. Fol. 101, b.

Edinburgh, 27th December 1642.

Sederunt:—Chancellor; General; Hamilton; Argile; Eglinton; Glencarne; Kingorne; Lauderdaill; Southesk; Dalhousie; Lanerick; Calander; Angus; Burlie; Balmerino; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtun; Innes; Cavers; Morphie.

Acta, November 1641-October 1646. Fol. 69, b.

Recommendation that

"Forsamekle as the Lord Generall, having represented to the Counsell

Acta, November 1641–October 1646. Fol. 69, b.

how necessar it is for the good of his Majesteis service and maintenance of the Scotish armie in Ireland that all victuall, meale or anie other interteanment that sould be caried thither be custome free, for the encouragement of merchants to transport the same, and the Lords of Privie Counsell being carefull that all meanes be used for the good of that armie, they doe therefore recommend to the commissioners of the Treasurie and Lords of Exchecker to grant such warrants for that effect as they sall thinke fitting."

Victual may be transported to Ireland free of duty.

"The Lords of Secreit Counsell, considering how tymouslie and cheerfullie James Stuart, merchant burges of Edinburgh, and Mr Robert Ferquhar, burges of Aberdene, did advance great quantities of victuall for supplee of the armie in Ireland, and that they ar as yitt unpayed for 4644 bolls meale at ten punds the boll, extending to 3870^lib.^ English money, and withall considering how that the said James Stuart and James Hamiltoun of Boigs have also since undertane the furnishing of 12,000 bolls meale for the said armie at ten punds the boll, which service and undertaking hes beene so confortable to the armie but with so small advantage to the undertakers as the saids Lords have by their act of the date the 8th day of December instant modified ane thousand punds sterline to be payed to the saids James Stuart and James Hamilton equallie betuix thame for their panes and travells by and attour the price of their meale; and the saids Lords, finding that by contract and act of Counsell they ar obliged for payment of the moneyes foresaids, which in all equitie aucht to be advanced out of the moneyes due to the armie frome the Parliament of England, therefore the saids Lords ordains and commands Johne, Earle of Lindsey, and William Thomson and either of them to make payment to the saids James Stuart and Mr Robert Ferquhar, or thair commissioners warranted frome thame, of the said soume of 3870 lbs., and to the said James Stuart or his commissioner foresaid of the soume of 5500 lb. sterline as for the price of the equall halfe of the saids 12,000 bolls meale and modificatioun foresaid due to the said James, together with the annual rents also due for the meale so furnished so long as the prices ar not payed conforme to the contracts made heereanent, and that out of the first and readiest of the moneyes receaved from the Parliament of England for the said armie being in their hands, whereanent thir presents sall be thair warrant."

Fol. 70, a.

Payment of sums due to James Stuart, merchant burgess of Edinburgh, and others for the transport of victual to Ireland.

"The Lords of Secreit Counsell, considering the good service done be Archibald, Marquis of Argile, in suppleing the pinching necessiteis of the armie in Ireland with 1363 bolls of victuall and ane hundreth lasts of herring, according to the recepts of the same, and finding themselves obliged by contract with the said Marquis to see him thankfullie and tymouslie payed for the said victuall and herring furth of the readiest of the moneyes due to the armie frome the Parliament of England, therefore the saids Lords ordains and commands Johne, Earle of Lindsey, and William Thomesone and either of thame to make payment to the said Marquis or his commissioner of the soume of 2586 lbs. 5 sh. 8 d.

Payment to be made to the Marquis of Argyle for transporting victual and herring to the army in Ireland.

sterline for the quantitie of victuall foresaid and number of herring abovewritten, as the just prices agreed upon for the same, and that out of the first and readiest of the moneyes receaved or to be receaved be the said Earle of Lindsey or William Thomsone for the use of the said armie, for doing quhairof thir presents sall be thir warrant." Acts, November 1641-October 1646. Fol. 70, a.

Payment to be made to James Stuart and James Hamilton for transporting victual to the army in Ireland.

"Forsamekle as James Hamilton of Boigs hes latelie furnished 437 bolls meale with nyne score three secks at ellevin punds the boll for the use of the Earle of Lindseys regiment in Ireland, as also the said James Hamilton and James Stuart, merchant burges of Edinburgh, hes since undertane the furnishing of 12,000 bolls meale for the use of the said armie, in regard quhairof and of the small advantage the saids undertakers hes in this bargane and of the great panes and travells they have tane and confortable service they have done to the said armie, the Lords of Secreit Counsell, by their act of the date the 8th day of December instant, hes modified to them the soume of ane thousand punds sterline for their saids panes and travells and acceptable service by and attour the price of their victuall to be payed equallie betuix them; and the saids Lords, finding themselves in duetie bound by contracts, acts of Counsell and otherwayes for encouragement of the saids undertakers to see thir moneyes thankfullie and tymouslie payed unto them out of the readiest of the moneyes due to the said armie from the Parliament of England, therefore they ordaine and command Johne, Earle of Lindsey, and William Thomsone or either of them to make payment to the said James Hamiltoun or his commissioner warranted from him of the soume of 5900 lbs. 11 sh. 8d. sterline as for the just price of the victuall advanced to the Earle of Lindseyes regiment and equall halfe of his part of the said 12,000 bolls meale and modificatioun foresaid, together with the annual rents for the prices of the said victuall so long as the same ar unpayed, conforme to the contracts made thereanent, and that out of the readiest of the moneyes due to the armie from the Parliament of England being in their hands, whereanent thir presents sall be their warrant." Fol. 70, b.

Edinburgh, 27th December 1642.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 175.

Complaint by Mr Andrew Ramsay, minister at Edinburgh, and others, all creditors of the Laird of West Nisbet, against the Lady of West Nisbet for debarring them from the means of recovering their debts.

Complaint by Mr Andrew Ramsay, minister at Edinburgh, Mr Robert McGill, advocate, and William Monteth of Carribber, for themselves and the other creditors of the Laird of West Nisbit, being "above fourescore persons quhairof manie ar orphans, wedowes and others helpelesse" people, as follows:—They are much prejudged in the sums due to them by the said Laird, which amount to 80,000 merks more than his estate is worth, and they have been at great charges in following out legal methods against him, having at last obtained the Council's warrant for the rendering of his houses of West Nisbit and Rummiltonlaw. But this has been suspended by the Lady of West Nisbit, who keeps the house of Rummiltounlaw, uplifts the rents from the tenants, and by "her

Decreta, November 1641–October 1646. P. 175.

bangsterie and oppressing cariage" renders void all the complainers' expensive procedure, which can never prove effectual as long as she keeps that house. These five years past "they have beene defrauded of their moneyes, stock and brock, and ar likelie still to suffer in that kynd." Many of the poor creditors have nothing to live upon but what is in the hand of the said Laird; and the complainers believe that had they been heard at the granting of the said suspension the Council would not

P. 176.

have yielded to the weak reasons of the Lady, whose purpose is merely to hold to the house until she secures this year's crop by violence from the tenants and not to discuss her suspension. Charge having been given to the said Lady West Nisbit, and the pursuers compearing personally with a great number of the other creditors of the said Laird, and the lady compearing by Sir Alexander Swintoun of that Ilk, who produced the letters of treason and suspension above mentioned, the Lords, after hearing parties, find the letters of treason orderly proceeded, and ordain them to be put to further execution notwithstanding the said suspension.

P. 177.

Complaint by John Baillie in Ballinglach and others, tenants of Thomas Hay of Park, against the magistrates of Wigtown for illegal warding.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and by John Baillie in Ballinglach and John Stuart there, tenants to Thomas Hay of Park, with the said Thomas for his interest; also by James McDougall of Garthland, Alexander McDougall of Logan, Uthred McDougall of Freuch, younger, Hugh Kennedie of Synnons, Andrew McDougall of Killassar, Quentin McDougall of Barlokhart and James Tod in , as follows:—The said Laird of Park is heritable proprietor of the lands and barony of Ballinglach, which has been a burgh of barony and has been bruiked by him and his predecessors, with all the privileges of such, past memory of man, until that lately the magistrates of Wigtoun for about a year past have grievously oppressed the said Laird and his tenants by citing, fining and warding of them upon coloured pretexts of forestalling and keeping of "oastlereis," especially the said John Baillie and John Stewart, whom they put to a costly process of law. Then upon a protestation obtained by them in a clandestine way they denounced and obtained letters of caption against them, and under colour thereof, in violation of the laws prohibiting the carrying of hagbuts and pistols and convocation of the lieges in arms, John Murdoch and Patrick Coltrum, bailies of Wigtoun, Patrick Hannay, bailie there, John Murdoch, elder, late provost, Alexander McKie, late bailie, William Dunbar, notary, Patrick Galbraith, messenger, Finlay McCrakane, Archibald Blane, Gilbert Fraser, John and William Clugston, Patrick Blaine, John and Alexander Fraser, John McKane, Roger McCroschrie, Alexander Reid, John Keith, John Sprout, Patrick Stenhous, John McQuharg, Adam M'Kie and John Dunbar, all in Wigtoun, to the number of three score persons or thereby, all horsemen, armed with swords and pistols "came twelffe myles without their owne bounds to the saids tuo tenents houses upon the day of , being

P. 178.

the Lords Sabboth, at night, entered within the same with drawin suords,

tooke them out of their beds and would not suffer them to putt on their cloathes, but carried them away to Wigtoun and keeped them prissouners there the space of tuentie dayes." Charge having been given to these persons complained upon and to John McGuffock of Arilick, John McGoune in Achinleg, and William McGuffock of Chippirmore as witnesses, and the said Thomas Hay compearing personally for himself and the other pursuers, but neither defenders nor witnesses compearing, the Lords ordain the defenders and witnesses to be put to the horn and escheated. Decreta, November 1641–October 1646. P. 178.

Edinburgh, 29th December 1642.

Sederunt:—Chancellor; General; Hamilton; Argyle; Eglinton; Glencairne; Lauderdail; Southesk; Lanerick; Callander; Angus; Yester; Balmerino; Balcarres; Clerk Register; Advocate; Innes; Dundas. Sederunts, February 1635–November 1643. Fol. 101, b.

Anent the army in Ireland and the Earl of Dunfermline.

"A letter frome the Councel to the Earle of Lindsay with some instructions anent the armie in Ireland and another letter to the Earle of Lindsay anent the Earl of Dunfermlines restraint."

Edinburgh, 3rd January 1643.

Sederunt:—Chancellor; General; Hamilton; Argile; Mar; Eglinton; Glencarne; Kingorne; Lauderdaill; Southesk; Wemes; Dalhousie; Lanerick; Calander; Angus; Yester; Balmerimo; Burlie; Balcarres; Clerk Register; Advocate; Treasurer Depute; Innes; Wauchtun; Dun; Cavers; Morphie; Dundas; Cambo. Decreta, November 1641–October 1646. P. 179.

Complaint by Alexander Alschunder, baker in the Canongate, and William Anderson, notary there, against Margaret Sinclair for destroying a decreit-arbitral between the said Alexander and the husband of the said Margaret.

Complaint by Alexander Alschunder, baker in the Cannogait, and William Anderson, notary there, for his interest, as follows:—There was a decreet arbitral pronounced between the said Alexander Alschunder and William Bruce, cordiner in the Cannogait, by George Craufurd, cordiner burgess of Edinburgh, and Andrew Malloch, baker in the Potterraw. It was subscribed by them on 5th November last and placed in the keeping of the said William Anderson, who wrote it. Margaret Sinclair, spouse to the said William Bruce, having desired the said William Anderson to read the decreet to her, he complied, but while he was reading it, "she pulled it out of his hand and hes brunt and destroyed the same." Charge having been given to the said Margaret Sinclar and George [*sic*] Bruce, and parties compearing personally, the Lords remit the trial and punishment hereof, as well as another complaint at the instance of the said Margaret Sinclar, to the provost and bailies of Edinburgh.

. . . Johnston, younger of Barclay, and Alexander Keith of Kirktounhill accused of convoking their friends and breaking

On 4th December last, being Sunday, Johnestoun, younger of Barclay, and Alexander Keith of Kirktounhill made great convocation of their friends, designing to come to the kirk of Marykirk and contest about a seat there, to the breach of the peace, but Sir Robert Grahame of Morphie, one of his Majesty's Council, being informed hereof, sent and discharged both parties from coming to the kirk with any convoca- P. 180.

Decreta, November 1641-October 1646. P. 180.

tion, and only to do so in a peaceable way until their difference should be settled by course of justice. Yet, in contempt of this prohibition, the said Barclay came that day "with great convocation of his freinds in a tumultuarie and lawlesse way to the said kirk and thereby did what in him lay to the breake of the peace." Charge having been given to both parties, and they compearing, the said Barclay confessed that he was inhibited as above by the Laird of Morphie, and disregarded the same. This the Lords find to be a contempt of dangerous consequence, and for it commit the said Barclay to ward within the tolbooth of Edinburgh during their pleasure. They further ordain both parties to find caution in 3000 merks for the keeping of the peace within 48 hours.

the peace in the kirk of Marykirk.

Borders, 1603-43. Fol. 104, a.

"Forsamekle as the Lords of Privie Counsell, taking to thair consideratioun the supplicatiouns givin in to thame be the heretours and ministers dwelling on the Borders of this kingdome towards England complaining on the manifold thifts, ressetts of thift, slaughters, depredations, witchecraft and others odious crimes committed be a number of lawlesse and insolent persons, and, being carefull that the saids crimes be punished and represt in time coming, did for this effect appoint tua justice courts to be haldin at Jedburgh and Dumfreis in Februarie nixt

Fol. 104, b.

be his Majesteis Justice Generall and his deputs, and therewithall considering the shortnes of the time betuix and whiche precepts and summounds cannot convenientlie be givin out and execut aganis such delinquents as ar to answer at the saids courts, they have thairfoir and and for diverse others good and weightie considerations moving them continued and prorogated and be the tenor heirof prorogats and continues the dyets of the saids courts till Marche nixt, and appoints one of the saids justice courts to be keeped at Jedburgh the 8 day of Marche nixtocome and the other at Dumfreis the 16 day of the said moneth, and ordains publication to be made heerof, etc."

Edinburgh, 3rd January 1643.

The justice-courts appointed to be held at Jedburgh and Dumfries in February next postponed till March.

See *ante*, p. 351.

"Forsamekle as the Lords of Privie Counsell, taking to thair consideration the complaints givin in to them be sindrie of his Majesteis good subjects in the Borders of this kingdome toward England complaining on the manifold thifts, ressetts of thift, slaughters, and others odious crimes committed be a number of insolent and lawlesse persons upon them, and the saids Lords being carefull to have the saids crimes punished and the same represt in time comming, have therefore appointed twa justice courts to be keeped in these bounds be his Majesteis Justice Generall and his deputs; and for the better preparing of processes and bringing in of delinquents ordains precepts to be direct in name of his Majesteis Justice Generall for summonding all such persons as sall be givin up as delinquents to appeare and answer, and therewithall gives commission to Francis, Erle of Buccleuch, James, Erle of Quenisberrie, Harie, Lord Ker, Johne, Lord Linton, and James, Lord Johnston, and to the shireffs of Roxburgh, Dumfreis, and Stewart of Annerdaill, within thair severall jurisdictions respective, to pas, searche, seeke, apprehend,

Commission for the apprehension of criminals on the Borders.

and committ all such persons as sall be compleanned upon as suspect or guiltie of anie of the saids crimes and who refuse to give caution to appeare to answer at the saids courts, the plaintiff alwayes first setting caution for pursuing them conforme to the acts of Parliament; and siclyke to take, apprehend, and committ all others aganis quhom dittayes sall be givin up and whois names sall be insert in the porteous to be givin to the saids commissioners be his Majesteis Justice Generall, and who sall not find caution to appeare, and to bring, present and enter them to the saids courts to underly thair tryell and punishment for the saids crimes as accords of the law; and, incaise it sall happin the saids persons or anie of them for eshewing of apprehension to flee to strenths and houssis, with power to the saids commissioners to pas, follow and pursue them, assiege the said strenths and houssis, raise fire and use all kynd of force and warlike ingyne for winning and recoverie of the same and apprehending the saids persons being therein, and if in pursute of the saids persons, they refusing to be tane, it sall happin them or anie being in companie with them or within the saids strenths and houssis and assisting them, to be hurt, wounded, mutilat or slaine or anie other inconvenient to follow thereupon, the saids lords declares that the same sall not be impute to them nor persons assisting them in execution of this commission as crime nor offence, and that they nor nane of them sall not be called nor accused therefore criminallie nor civilly be anie maner of way in tyme comming, exonering, etc.; and generallie, etc.; firme, etc.; charging, etc. This commission to endure till the last of Marche nixt." Borders, 1603-43. Fol. 104, b. Fol. 105, a.

[End of the Register of the Borders.]

Border commission.

"Ane act and new commission anent the Justice Courts in the Borders." Sederunts, February 1635-November 1643. Fol. 101, b.

Edinburgh, 5th January 1643.

Sederunt:—Chancellor; Hamilton; Argile; Mar; Eglinton; Glencarne; Wigtoun; Kingorne; Lauderdaill; Southesk; Wemes; Dalhousie; Lanerick; Calander; Angus; Yester; Balmerino; Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtun; Cavers; Dundas; Din; Morphie; Cambo. Decreta, November 1641-October 1646. P. 181.

Complaint by William Wilson, elder in Monkrig, and Janet Tait, his spouse, against Isobel Haitlie, spouse of Andrew Haitlie of Sneip, and others for

Complaint by William Wilson, elder in Monkrig, and Janet Tait, his spouse, as follows:—They have been in peaceable possession of the lands of Monkrig by valid rights for a long time, and their possession was never interrupted until, upon 30th December last, Isobel Seatoun, spouse of Andrew Haitlie of Sneip, Hector Turnbull, Charles Smith and Patrick Craufurd, their servants, Patrick Liddell and Christopher Hamilton in Morhame, John Andersone, servant to Sir John Seatoun of Barns, Marion Dicksone in Easter Monkrig, John Dicksone in Stobstrie,

ecreta, ovember 41-October 46. . 181.

and Patrick Young, bailie of Hadintoun, armed with swords, staves and other invasive weapons, all at the instigation of the said Andrew Haitlie, who gave order to the said William Turnbull, "came to the lands of Easter Monkrig, where the said William Wilsone was yoking his pleuche, and without anie offence done be him pursued him of his life and with their saids weapouns dangerouslie wounded him on the head with manie other bauch, blae and bloodie strakes in diverse parts of his bodie; and not content therewith cruellie and shamefullie ranne upon his wife, being great with childe, and with rungs and stalffes strake her upon the head, fingers and armes, quhairof she will be lamed, and left her for dead; dispossest them of their roume, and went to their houses and byres and brake up the doores thereof and so hes almost beggered the poore man, his wife and nyne childrene; and still keepes the saids houses and lands with numbers of men armed with forbiddin weapons in contempt of law and justice." Charge having been given to the persons complained upon, and William Wilsone compearing personally for himself and his wife, and the said Andrew Haitlie also compearing, but none of the other defenders, the Lords, after hearing parties and certain witnesses, find that the said Isobel Seatoun, Hector Turnbull, Patrick Liddell and Patrick Craufurd "dang the said William Wilsone from his pleuche, took the same from him, and that Hector Turnbull strake him on the head with a tree to the effusion of his blood and felde him to the ground; and that the saids three persons dang the said Jonnet also to the ground, dragged her alongs the same and that the said Isobell Seatoun switched her and her husband on the head with a bulls peissill when they wer lying on the ground; as alsua that the said Hector tooke the pursuers pleuche, threatning all such as would stop him with a pistoll quhilk he had at his side," thereby committing a very great insolence. For this the Lords ordain these four persons to be committed to ward within the tolbooth of Edinburgh until order be taken with them hereanent, and they are to be charged to enter thereto on six days warning, on pain of horning. But the Lords assoilzie Andrew Haitlie, as upon probation being referred to his oath of verity he denied the accusation. £4 are to be paid to each of the witnesses by the defenders.

assault and dispossessing them of their land.

. 182.

P. 183.

Supplication by John Duncan in Touchmaller, Andrew Murrey there, Robert Stevensone there and William Archibald in Castelhill of Touche-adam, as follows:—"In the advocation pursued before the said Lords at the instance of Johne Waters, elder and younger, and Gilbert Water, whereby they desired that the pursute of thift intended aganis them before the shireff of Stirline sould be advocat to the Justice, the saids Lords remitted the same back to Mr Johne Rollock, shireff deput of Stirline, and adjoynned to him the provest and commissar of Stirline or anie of them as assessors, who upon the secund of Januarie instant having arraigned thir persons before them, the saids John Water, younger, and Gilbert Water, wer convict of the stealing of seven sheep upon lawfull probatioun, as the processe beirs; but in regard the provest

Supplication by John Duncan in Touchmailer and others anent John Water, younger, and Gilbert Water, who have been guilty of sheep-stealing.

of Stirline wes to come heir to attend the commissioners of peace he would not stay and concurre with the shireff to pronunce sentence." They therefore crave warrant to the said sheriff to pronounce sentence and see the same executed. The Lords ordain the said shireff to pronounce sentence of banishment against these two persons convicted as above and to take them acted never to return to the kingdome; and they ordain the provost and bailies of Stirline to deliver them to Captain James McMath to be carried by him to the French wars. Decreta, November 1641-October 1646. P. 183.

Edinburgh, 10th January 1643.

Sederunt:—Chancellor; General; Hamilton; Argile; Mar; Eglinton; Glencarne; Murrey; Wigtoun; Kingorne; Lauderdaill; Southesk; Wems; Lanrick; Callander; Angus; Balmerino; Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Waüchtun; Morphie; Dundas; Cavers; Cambo; Din; Provost of Edinburgh. Acta, November 1641-October 1646. Fol. 70, b.

Letter from his Majesty anent the publication of his letter of the 5th of December in answer to the Declaration of the Parliament of England.

"The whilk day the missive letter underwrittin, signed be the King's Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and red in thair audience, of the quhilk the tenor followes:—CHARLES R.—Right trustie and welbelovit cousins and counsellers, and right trustie and welbelovit counsellers, we greit yow well. Having been informed that, according to our commands expressed to you by our Secretar, the Earle of Lanrick, you have given order for printing our letter to you of the 5th of December, which occasionallie wee wrot in answer to a declaration sent you by our houses of Parliament in England, being unwilling to be silent and suffer our Scotish subjects to swallow anie information so destructive and contrarie to our pious intentions, as if we either intended to invite a forrainer to, or encourage poperie in anie of our kingdoms, both of which have been so far from our thought that necessitie itselfe could never force us to either; for tho the eminent abiliteis and moderat disposition of some few of that professioun hath moved us in this great extremitie to make use of their fideliteis, yitt we have ever beene so far from countenancing their religion that it hath and ever sall be our speciall care to suppresse it, by putting in executioun these good and wholesome lawes alreadie in force aganis thame; and as for anie assistance of forrane forces it is a feare so absolutlie groundlesse that we are confident it is offered for no other end then (by such subtile insinuations) to infuse ane apprehensioun in the breasts of our Scottish subjects of a danger can be no otherwise expressed then under such a generall notion, not being able reallie to make it appeare ather in intentioun or fact. But wee ar so cleare from either of these that we conceave nothing can be more for our advantage then that the malice of these calumneis may be made knowne to all our good subjects, the authors quhairof we ar confident God will never suffer to escape the hand of justice, and we hope none will beleeve that heirby we meane our houses of Parliament (whome in none of our declarations Fol. 71, a.

Acta, November 1641–October 1646. Fol. 71, a.

we have ever accused) but onelie such factious and seditious members of either houses as we have named and ar readdie to proceed against legallie. Therefore we have thought fitt to require you to give order for printing the foresaid declaratioun to you of the 7th of November last, and lykewise to take the best course of causing publish it with our letter to you in answer thereof through all the severall parishes of our kingdom of Scotland whereby our subjects there will perceave the subtle wayes

Fol. 71, b.

which is used to corrupt their fideliteis and alledgeance, which otherwayes being at so great a distance they cannot possiblie be informed of. So expecting your obedience heerin, we bid you heartilie farewell. From our Court at Oxen., the 29 of December, 1642. Quhilk letter being read, heard and considdered be the saids Lords, they, in obedience of his Majesties pleasure exprest therein, ordains the said declaratioun sent to the Counsell of the 7th of November with his Majesties letter in answer thereto, and the letter abonewrittin to be presentlie printed, and that order be given to his Majesteis printer for that effect."

Printing of papers by warrant of the Council not to imply approval of the said papers.

"It being this day voted whether or not the printing of anie papers be warrant of the Counsell doeth import the Counsells approbatioun of what is so printed, it wes resolved that the printing is no approbation."

The Commissioners of Peace in London to be informed that the Council has given warrant for the publication of the Declaration of the English Parliament of the 7th November last.

"The Lords of Privie Counsell, having heard what hes beene represented be the Lord Chanceller to thame frome the commissioners for conserving the articles of the treatie, doe recommend to the Lord Chancellor to acquaint the saids commissioners that this day the Councell receaved a letter frome his Majestie requiring them to give warrant for printing the declaration of the Parliament of England of the 7th of November, which accordinglie the Counsell did, and that the Councell finds that their giving order for printing anie papers doeth not import their approbation thereof, and that this wes done before anie thing wes represented be the said Lord Chanceller from the saids commissioners."

Anent the correspondence between the Council and Commissioners of Peace.

"The Counsell recommends to the Lord Chanceller to represent to the commissioners for conserving the articles of the treatie that the Counsell is verie willing to keep a good correspondence with them, and that as the Counsell hes givin answer to a petition this day exhibit to them desiring the petitioners not to trouble the Counsell heerafter with farther supplications, so the Counsell doeth wish the commissioners may take the like course for preserving such petitions of that nature as sall be givin in to thame."

Sederunts, February 1635–November 1643. Fol. 102, a.

[Sederunt as above, Innes being added.]

Anent supplies for the Scottish army in Ireland.

"The Lords, having read and considderit the letter this day exhibit to them from the Earle of Lindsey with the demands given in be him to the Parliament of England and thair answer thereunto, gives commission to the Lord Chancellor, the Generall, Hamilton, Argile, Eglinton, Glencarne, Lauderdaill, Balmerino, Burlie and Wauchton to meet and think

upon the best meanes for supplee of the necessities of his Majesties Scotish armie in Ireland." Sederunts, February 1635-November 1643. Fol. 102, a.

Arrangement to be made for posts between his Majesty and London.

" The Counsell recommends to the Lord Chancellor to appoint some persons for posting betuix his Majestie and Londoun, and this for bringing intelligence as occasion sall offer."

Order for the printing of the communications received from his Majesty and the Parliament of England.

" The Lords of Privie Counsell, in obedience of his Majesteis pleasure exprest in his letter of the 29 of December, and this day exhibit to them, ordains the declaration sent to the Counsell of the 17 of November with his Majesteis letter in answer thairto and the letter abonewritten to be presentlie printed, and that order be given to his Majesteis printer for that effect."

Declaration by the Earls of Mar, Glencairn, and Lanark anent the above order.

" The quhilk day the Erles of Mar, Glencarne, and Lanerick declared that thair voiceing to the resolution abonewritten wes not for satisfaction of the doubts of anie of his Majesties subjects, since they conceave the Counsell comptable for their actions to the Kings Majestie and Parliament onelie."

Edinburgh, 13th January 1643.

Sederunt:—Chancellor; General; Hamilton; Argile; Mar; Eglinton; Glencarne; Murrey; Wigtoun; Kingorne; Lauderdaill; Southesk; Wemes; Dalhousie; Lanrick; Calander; Angus; Yester; Balmerino; Burlie; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchtune; Dundas; Cavers; Cambo; Provost of Edinburgh. Acta, November 1641-October 1646. Fol. 72, a.

Petition from the Commissioners of the late General Assembly that the Council would concur with the Assembly in recommending to his Majesty unity of religion and uniformity of church government, and that the Council would receive no petition anent religion except it be authorised by the General Assembly.

" The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie, Johne, Lord Maitlane, Sir David Hume of Wedderburne, Sir David Barclay of Cullernie, Sir William Carmichaell, appeared and of that ilk, Johne Binnie, merchant burges of Edinburgh, Mr William Bennet, minister at Edinburgh, Mr Robert Blair, minister at St Andrewes, Mr Johne Moncreiff, minister at Kingorne, and Mr James Fleeming, minister at Bothans, and in name of the Commissioners of the late Generall Assemblie gave in to the saids Lords the supplicatioun underwrittin, of the quhilk the tenor followes:—To the Right honnorabill the Lords of his Majesties Privie Counsell the petition of the Commissioners of the late Generall Assemblie humblie sheweth, That whereas in our meetings heir according to the great trust committed to us we have beene endeavouring in our ecclesiasticall way the union of his Majesties dominions in religion and kirk governement, the continuance of our owne peace at home and the commoun peace betuix the kingdoms, and doe find the letts and impediments of so blessed and desireable a work daylie to increasse, specially by the prevailing power of papists, prelats and malignants in Ireland and England, which is also a reall threatning aganis the religion and peace established in this Kirk and kingdome, we have resolved both for reformation of religion in England and for preservation of religion heir by humble supplicatioun to represent to his Majestie our humble conceptions and

Acta, November 1641–October 1646. Fol. 72, a.

desires, and in all humilitie and earnestnes to entreat your Lordships to consider of our petitioun, which we do exhibit to your Lordships, and to joyne with us and contribut your endeavours for removing out of the way all such hinderances of unitie of religion and for securing the

Fol. 72, b.

reformation of religion and peace of this kingdom. And with all we ar constrained with greeved hearts to represent to your Lordships that whill we ar exercised in doing our deutie and in promoving of so good a work, of which we must give ane accompt to God and the nixt Generall Assemblie, a petition presented to your Lordships by some privat noblemen, barons and gentlemen is come to our hands, which in the points of unitie of religion, of our solemne covenant, of our duetie to the Kings Majestie, of our owne peace and of the peace of the tuo kingdoms, then which no maters can be of greater importance to be the subject of the gravest deliberations of civill and ecclesiasticall assembleis, yitt this petition in all these so weightie maters proceedeth upon grounds not onelie diverse but contrarie to the meaning of the Kirk and of all that hath beene formerlie done by your Lordships, by the conservators of the peace and by the assembleis of the Kirk and thair Commissioners. And, altho we have been diligentlie attending since the 4th of Januar to doe the best offices according to our place and calling, yitt this petition about maters so neerlie concerning us and our commissioun hes been altogether concealed from us in privat and in publick. And, therefore, as we have resolved by publick declaratioun to vindicat the truth and our owne proceedings reallie called in question and accused by the said petition, least by our neglect and silence we sould seeme ather indirectlie to approve such a petition or give caus of stumbling to others who through want of information may be scandalized, so also humblie to intreat your Lordships to take this to your most serious consideration as a mater that concerneth the publict of both kingdoms in their religion and peace, and as deputed by the Generall Assemblie in our fidelitie and trust, and for preventing the like disturbance and danger in time comming, and that we may all walke in one way to our wished ends, by your auctoritie to give order that no petitioun concerning the unitie of religioun or trinching upon the Covenant or such maters as properlie belong to the Generall Assemblie and ar committed to us who ar deputed by them, be admitted or answered by your Lordships unles it come in the direct and ordinarie way from the Generall Assemblie or thair Commissioners, at least with thair knowledge and approbation. Quhilk supplicatioun being heard and considdered be the saids Lords and they advised therewith, they doe declare that they will concurre with the Commissioners of the Generall Assemblie in recommending to his Majestie the establishment of unitie of religion and uniformitie of kirk government in all his Majesties dominions, and the removing of all impediments that doe hinder the same, and that they will keepe so good a correspondence with the Commissioners of the Generall Assemblie, that whenever

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anie petition sall be presented to the Generall Assemblie they will

acquaint them therewith, or in thair absence the presbyterie of Edinburgh, before they give answer thereto." Acta, November 1641–October 1646. Fol. 73, a.

Edinburgh, 12th January 1643.

Sederunt:—Chancellor; Generall; Hamilton; Marquis of Argyl; Mar; Eglinton; Glencairne; Murrey; Wigtoun; Kingorne; Lauderdaill; Southesk; Wemes; Dalhoussie; Lanerick; Callander; Angus; Yester; Balmerino; Burlie; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchton; Dundas; Cavers; Cambo; Provost of Edinburgh. Sederunts, February 1635–November 1643. Fol. 102, b.

[No record of business.]

Edinburgh, 17th January 1643.

Sederunt:—Chancellor; General; Hamilton; Argile; Eglintoun; Glencarne; Murrey; Wigtoun; Lauderdaill; Southesk; Lanrick; Wems; Angus; Balmerino; Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cambo; Din. Acta, November 1641–October 1646. Fol. 73, a.

Recommendation to the Commissioners of the Church.

"The Lords of Privie Counsell recommend to the Commissioners of the Generall Assemblie to think upon the best courses that may prevene all occasion of division and mistake amongs the subjects, and quhilk may procure the advancement of religion and unitie among ourselves."

The Council and the removal of Episcopacy.

"The Lords of Privie Counsell do declare they will concurre with the commissioners for the peace in their desire to his Majestie and the Parliament of England for removall of Episcopacie, establishing unitie of religion and uniformitie of kirk governement and for removall of the differences betuix his Majestie and the Parliament."

Edinburgh, 17th January 1643.

[Sederunt as recorded above.] Decreta, November 1641–October 1646. P. 184.

Complaint by John, Viscount of Dudhope, against the magistrates of Dundee for violently preventing his exercising his hereditary privileges in connection with the first fair of the said burgh.

Complaint by John, Viscount of Duddop, Lord Scrimsour, James, Master of Duddop, and John Lamb, Andrew Smith and John Bower, quarriers in Clepintoun, as follows:—The said Viscount and his predecessors, constables of Dundie, have been in peaceable possession past memory of man "of ryding the first faire of Dundie throw the toun thairof, receaving the keyes of the tolbuith, uplifting the customes of the said faire and doing justice, and this their possessioun wes never querrelled nor interrupted till latelie that the provest and bailleis of Dundie hes debarred the said Vicount from the said priviledge; and in August last when the faire wes to be riddin steeked their ports upon him, refused him the keyes, would not suffer him to ryde the faire nor sett his guard nor uplift the customes, but apprehended the said Andro Smith, his customer, and committed him to waird, and by bangsterie resolves to seclude him from his possessioun and ancient priviledge and make his customes unprofitable to him. Lykeas in the moneth of the said provest and bailleis of Dundie, their officers and a great number of their inhabitants came to the said Vicount his proper querrell within

Decreta, November 1641–October 1646. P. 184.

the hill of Dundie and putt the saids Johne Lamb and Johne Bower, . . . kuist doun stones upon the workmen, birsed and bruised them to the effusion of their blood so as they wer not able to serve for a moneth, and had not failed to have slaine them if they had not left the work, and then tooke all the workloomes from them. And, becaus the said Vicount did latelie caus some of his tennents of the Hill of Dundie subscribe a supplication to the presbyterie of Dundie for M. George Halyburtoun to be their minister, William Stevinsone, deacon conveenner, unlawed a number of them for that caus; and by these and the like affronts they heavilie vexe the said Vicount and his tennents."

P. 185.

Charge having been given to Robert Davidsone, Thomas Mudie, and John Blyth, late bailies of Dundie, and William Stevinsone, collector, deacon convener, and James, Master of Duddop, compearing for himself and the other pursuers, and also the said Robert Davidsone compearing, with Alexander Milne, bailie, who produced a written procuratory from the provost and bailies of Dundie and William Stevinsone, collector of the crafts of the said burgh, under the hand of Mr Alexander Wedderburne, town clerk, empowering them to act for them in this complaint, but Thomas Mudie and John Blyth not compearing, the pursuer passed from the last part of the complaint as to the fining of his tenants, referred the probation of the complaint as to the fining of his customer to the oath of the said Robert Davidsone, and declared he would prove the rest by witnesses. The defenders opposed the process as irrelevant, but the Lords repelled their objection, and after hearing the parties and witnesses find and declare "That the Vicount of Duddop and his predecessors, constables of Dundie, hes beene in peaceable possessioun

P. 186.

these manie yeeres bygane of ryding the first faire of Dundie in August yeerelie throw the toun, receaving the keyes of the tolbuith and uplifting the customes of the faire, and that during the time thereof for the space of eight dayes they wer sole judges of all causes criminall and civill within that toun, and that notwithstanding thairof the said Thomas Mudie and Johne Blyth, bailleis for the time, in August last closed the ports upon the Vicount of Duddop his bailleis, would not suffer them to enter and ryde the faire or give them the keyes of the tolbuith and that they caused committ the said Andro Smith, customer, to thair tolbuith during the time of the said faire, albeit the constable of Dundie wes in possessioun of judging all causes criminall and civill during that time; as alsua that the said Robert Davidsoun caused some of the touns people cast doun stones upon the persewers quarriers the time libelled and that thereby they have committed a verie great ryot upon the persewers of dangerous consequence." Therefore they ordain Robert Davidsone to be warded within the tolbooth of Edinburgh until they release him, because on being sworn he admitted the imprisoning of the pursuer's customer, but that it was for injurious words uttered by him. This defence the Lords repelled seeing the pursuer was in possession of the jurisdiction. His violence to the quarriers was proved by witnesses. The Lords

further ordain that Thomas Mudie and John Blyth be charged to enter into the same ward within six days until order be taken with them, under pain of horning; and that the provest and bailies of Dundie repossess the said Vicount of Duddop at the next ensuing fair at Lammas in the priviledge of riding the said fair and others of which he was in possession before the said interruption under a penalty of 20,000 merks, and not again to interrupt the same under the like penalty *toties quoties*. The Lords also ordain £10 to be paid by the procurators for the town of Dundie to each witness, being a horseman, and 10 merks to each footman. On the pronouncing of this sentence Mr Peter Wedderburne, advocate, protested in name of the town of Dundie that it should be without prejudice to the declarator intended or to be intended by the town of Dundie against the Viscount of Duddop, and thereupon asked instruments. Decreta, November 1641–October 1646. P. 186. P. 187.

James, Earl of Findlater, on the one hand, and George, Lord Banff, and the Master of Banff, on the other, charged to appear before the Council and meanwhile to keep the peace.

The Lords being informed of some appearance of trouble likely to fall out between James, Earl of Finlater, and George, Lord Bamff, and George, Master of Bamff, ordained the said Lord and Master of Bamff, being in town, to be charged to compear before them this day, and the said Lord Bamff compearing and having been heard upon the matter, the Lords ordain both parties to be charged to appear on 16th February next to underlie the Council's pleasure anent the peace of the country. And till then they ordain the said Lord Bamff to remain in town and to exhibit his son on Thursday next.

"A petition frome some noblemen."

"Ane act to the Assemblie."

Sederunts, February 1635–November 1643. Fol. 103, a.

Edinburgh, 19th January 1643.

Sederunt:—Chancellor; General; Hamilton; Argile; Eglinton; Glencarne; Cassills; Wigtoun; Lauderdaill; Southesk; Wems; Calander; Angus; Balmerino; Burlie; Balcarres; Clerk Register; Advocate; Treasurer Depute; Dundas; Wauchtun; Cambo; Innes. Acta, November 1641–October 1646. Fol. 73, a.

Petition in name of the General Assembly against a petition which had been presented to the Council by certain noblemen and others.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Sir William Carmichaell, appearand of that ilk, Mr George Winrame of Libbertoun, Mr William Colvill, minister at Edinburgh, Mr James Fleeming, minister at Bothans, Mr Johne Duncan, minister at Culros, Mr Arthure Morton, minister at Craill, and Mr Johne Smith, minister at Leslie, and in name of the Generall Assemblie gave in to the saids Lords the petition underwritten, of the quhilk the tenor followes:—

To the Lords of his Majesties most honorabill Privie Counsell the humble remonstrance and petition of the Commissioners of the Generall Assemblie. Fol. 73, b.

Having considdered the petition presented to your Lordships by some privat noblemen, barons and gentlemen, upon which your Lordships in your wisdoms did recommend to us to think upon the best meanes that may preveene all occasion of division or mistakes amongs the subjects and which may procure the advancement of religion and union amongs

Acta, November 1641–October 1646. Fol. 73, b.

ourselves, which as we thankfullie accept as a testimonie of your Lordships justice and goodnes and of your respect to the Generall Assemblie, so doe we humblie and earnestlie intreat your Lordships to take notice of the progresse of their petitioning and of our proceedings. Being mett heir at Edinburgh, Januar 4, upon such affaires of the Kirk as wer committed to us by the late Generall Assemblie and, according to our expresse commission published in print, thinking by what wayes ecclesiasticall and proper for us the great work of the uniting of this Yland in religion and kirk governement might be furthered and our owne peace and the peace betuix the tuo kingdoms continued and preserved, we wer desired be some noblemen, barons and burgesses to joyne with them in a petition to the Lords and others commissioners for conserving the peace, which having perused and finding in it a coincidence both in the ends and midss with our owne desires and deliberations, we did appoint some of our number both ministers and elders to be humble petitioners with them. But after some dayes, contrarie to our expectation, another petition is presented to your Lordships by some privat noblemen, barons and gentlemen, which after perusall and examinatioun we found to be crosse and contrarie[1] not onelie to the former petition presented by us to the commissioners for conserving of peace, but in our best and most impartiall judgement, altho in faire words and under specious pretences, destructive of our intentions and proceedings; wherein, as we have satisfied our owne minds, so we beleeve our declaration conteanning our just exceptions against it sall give your Lordships satisfaction; which wee therefore humblie present to your Lordships view, and intreat that your Lordships may be pleased to take to your consideration. Wee acknowledge that a necessitie is layed upon us as native subjects, as christians, as pastors and as Commissioners of the Assemblie to preserve

Fol. 74, a.

peace at home and to promove unitie of religion with England, unto which manifold obligation your Lordships have superadded your recommendation. And therefore as wee have beene, according to our places and callings, both preaching and praying aganis division and have in our meeting agreed upon a warning and certane directions to be sent to all the ministers in the kingdom how to deale and to carie themselves toward the present enemies of our religion and peace, so doe we conceave, since the contrarie petitioners would not be moved by all that we could say or doe to take up their petition, since it is now spread abrod through both the kingdoms and since they hold such ane opinion of their petition that they not onelie justifie it but that it will sufficientlie justifie them and their intentions; first, that there is no meane so able and so easie to make up the breach of peace and unitie which they have made as the sending furth with speed our declaration to follow their petition at the heeles for deleting the impressions which it may make in the mynds of such as of themselves, without some helpe, cannot so weill discerne of things that ar different; secundlie, that all good

[1] The petition against which the General Assembly petitioned was known as the "Cross Petition."

meanes may still be used by your Lordships, by the commissioners for conserving the peace and by the Generall Assemblie and their Commissioners for union of religion in England, without which wee may seek for peace and follow after it but unles we will deny our daylie sense and bygane experience can have small hopes of anie great successe; thridly, that your Lordships and all that ar in eminencie endeavour by your wisdome and auctoritie to suppresse and prevent all divisive motions which may tend to the troubling and renting of the Kirk and kingdome, wherein we faithfullie promise to contribute what is in our power in our ecclesiasticall way. When kirkmen alone seek after reformation of religioun, princes ar not so much moved with their supplications; but when governours that ar sent by them shew themselves sensible and zealous of the kingdom of Christ the strenth is doubled, and the work is more easie, who knoweth whether your Lordships ar come to be counsellers to the Kings Majestie for such a time as this, a time unparallelled with anie time that your Lordships or your progenitors have seene, a time wherein the hearts of the godlie in all places ar full of hopes, and the hearts of the enemies stricken with terrors, both looking for some notable change; and a time wherein the devill, before he be dispossessed, is in a rage by tearing nations with civill warres, by stirring up troubles and multiplying of scandalls, all to this end that he may make the truthe of religion odious among the people as a cause of these confusions. But wee trust, er it be long, all such tempests and commotions sall ceasse and end in a sueit tranquillitie and pleasant calme, wherein everie one in Kirk and policie sall have his confort and peace answerable to his cariage in the time of trouble, the Kings Majestie sall be more honnorable and his dominions more peaceable, Christ sall be more glorious and christian religion more pure and powerfull then before; which against all intestine division and forrane opposition is and sall be the publict and privat prayer of your Lordships humble petitioners. Quhilk petitioun and remonstrance, together with the declaration of the saids Commissioners of the Generall Assemblie upon ther petition exhibit to the Counsell upon the tenth of Januar instant being heard and considdered be the Lords of Privie Counsell and they advised therewith, the saids Lords declare that as they have and doe resolve to concurre with the saids Commissioners by their recommendation to the Kings Majestie and Parliament of England for unitie of religion and uniformitie of kirk governement and removall of all contrarie impediments, and as they have not givin approbation to the said petition, so they will be carefull to mainteane peace and unitie and prevent all divisions.

Acta, November 1641–October 1646. Fol. 74, a.

Fol. 74, b.

[Sederunt as recorded above.]

Edinburgh, 19th January 1643.

Hector Turnbull and others to be freed from ward.

The Lords ordain the provost and bailies of Edinburgh to liberate Hector Turnbull, Patrick Craufurd and Patrick Liddell, seeing they have found caution, each in 400 merks, to appear before the Council on Tuesday next.

Decreta, November 1641–October 1646. P. 187.

Acta, November 1641-October 1646. Fol. 74, b.

Sederunt:—Chancellor; Hamiltoun; Argile; Eglintoun; Cassills; Glencarne; Lauderdaill; Southesk; Angus; Yester; Elphinston; Balmerino; Clerk Register; Advocate; Justice Clerk; Innes; Dundas. Edinburgh, 24th January 1643.

"The Lords of Secreit Counsell nominats and appoints David Dumbar of Enterkin to be shireff principall of Air till the ordinar time of electioun and that his Majesties farther pleasure be knowne, to supplee the place of Sir Hugh Campbell of Cesnock, shireff of Air, who is sick and unable to serve; and ordains a commissioun to be past to the said David, who, being personallie present, accepted the office and gave his oath." David Dunbar of Enterkin appointed sheriff-principal of Ayr during the illness of Sir Hugh Campbell of Cessnock.

Fol. 75, a. "The Lords of Privie Counsell, in respect of the Lord Chancellor's imployment to England for the publict affaires of the kingdome, appoints Archibald, Marquis of Argile, to preside and be president of the Counsell till the first of Junij nixt or till the said Lord Chancellers returne from England." Marquis of Argyle to act as president of Council during the absence of the Lord Chancellor.

Decreta, November 1641-October 1646. P. 188.

[Sederunt as recorded above.] Edinburgh, 24th January 1643.

Complaint by John Murdoch, elder, late provost, Alexander McKie, late bailie, William Dunbar, notary, Patrick Galbraith, messenger, Finlay Craikane, Archibald and Patrick Blain, John and William Clugston, Gilbert and John Fraser, John McKeane, Roger McCroshrie, Alexander Reid, James Keith, John Sprott, Patrick Stenhous, and John McQuharg, burgesses of Wigtoun, Adam McKie, John Dumbar, and Alexander Fraser, notaries there, as follows:—They are informed that they are denounced rebels at the instance of his Majesty's Advocate, John Baillie in Ballinglach and John Stuart there, tenants to Thomas Hay of Park, the said Thomas for his interest, and James McDougall of Garthland, Alexander McDougall of Logan, Uchtred McDougall, younger of Freuche, Hugh Kennedie of Synnons, Andrew McDougall of Killaisser, Quintin McDougall of Barlokhart and John Tod in , for their non-compearance before the Council to answer to their complaint against them for convocation of the lieges, carrying of pistols and other oppressions. Now, if they had been lawfully charged to appear they would willingly have done so; but they have found caution, each in 400 merks, that they will appear on 19th January next and clear themselves, and pay £40 for their escheat if found liable therein; and so they crave that the horning be suspended. Charge having been given to the parties, and the suspenders compearing personally with the exception of the said John Murdoch, late provost, William Dumbar and John Sprott, who were excused on testimonials of their inability to travel; also the said Thomas Hay of Park compearing for himself and the remanent chargers, the Lords, after hearing parties, suspend the horning. With reference to the complaint the defenders averred that they lawfully apprehended the said John Baillie and John Stuart by virtue of letters of caption, and that as touching "oastlereis" they did nothing but by order of law and as they had been in use to do for many

Complaint by John Murdoch, late provost of Wigtown, and other magistrates and burgesses of the said burgh, against John Baillie in Balinglach and others for illegally denouncing them as rebels.

P. 189.

years past. It was answered that the caption was used upon the Sabbath at night with convocation and pistols, and this being referred to the suspenders' oath of verity, they denied using violence and taking the rebels on Sabbath night, "but upon Moonday in the morning; and the saids Johne Murdoch, younger, Patrik Coltrane, Alexander Fraser, William Clugstoun, Alexander Reid and Finlay M°Crakane granted they had pistolls," the others denying. The Lords, therefore, assoilzie the suspenders from the charge of riot but remit the carriers of pistols to the Commissioners of the Treasury for punishment. Decreta, November 1641-October 1646. P. 189. P. 190.

Complaint by Isobel Seaton, spouse of Andrew Haitlie of Sneip, and others against William Wilson and Janet Tait, his spouse, anent the charge of violently dispossessing the said William and Janet of the land of Monkrig.

See *ante*, p. 370.

Complaint by Isobel Seatoun, spouse of Andrew Haitlie of Sneip, Patrick Liddell, Patrick Craufurd and Hector Turnbull, as follows:—Their Lordships have charged them at the instance of William Wilson and Jonet Tait, his spouse, to enter in ward within the tolbooth of Edinburgh until they should be dealt with for dispossessing the said William of "the roume of Monkrig, wounding him on the head, felling him to the ground, wounding also his wife and switching them with a bulls peissill and putting the said William from his pleuch." Now they were never lawfully charged to appear and answer to this complaint, the diet of their appearance being the 3rd of January instant, "and the charge onlie givin upon the evening before, quhilk could not be a laufull warning for a gentlewoman residing 14 myles from Edinburgh to come in this winter seasoun; and they would gladelie have appeared if they could tymouslie come in; and did then also undertake upon the Thursday thereafter to appeare and cleere how unjustlie this complaint is moved aganis them. Lykeas they doe now alledge and offer to make good that the pursuers had no laufull possessioun of the roume libelled as they clame, but be the contrare the said William Wilson his father, who deceassed about six moneths since, being tacksman of the roume questioned and in possessioun thairof till his death, and thereafter Marion Dicksone, his relict, continuing in the same possessioun by pastouring her goods, sheiring and winning the corns upon the same be vertue of ane right and tack flowing from the said Isobell, lyverenter of the roume, at lenth the said Isobell dispouned to the compleaner her right and possessioun of the said roume and goods, and she accordinglie in peaceable maner went with the baillie of Hadintoun, ane publict notar, upon the penult day of December, to apprehend possessioun according to the law. And being about that actioun in sober way the said William and his wife in a shamelesse maner came upon them, uttering odious and disgracefull speeches and swearing to bring out a gunne and shoot the same at the said Issobell and her servants. At quhilk provocation made be the tennents of her owne lands she onelie pulled furth some oats out of a stack and threw them at the said William without anie further, whereupon they have grounded so foule and odious ane complaint of felling of the said William with a tree and switching him and his wife with a bulls peissill, wherein there is no truthe, never anie of the companie having a tree nor striking therewith. P. 191.

Decreta, November 1641-October 1646. P. 191.

And for the bulls peissill wherewith the said Isabell is burdenned as she had none at that time as never at anie time in her life." The witnesses have deponed beyond what was libelled, and had she been present she would have easily "putt them from depouning or being admitted, for George Pea, one of the witnesses, is the said William his cottar, and so not admittable in law to depone for him in this mater, and the other tua witnesses wer not within a myle and more to the bounds where the alledged ryot sould have beene committed." The said Patrick Crauford, Patrick Riddell and Hector Turnbull have meanwhile entered ward as charged and the said Isabel Seatoun has found caution to appear on 17th January instant and make good the reasons of this suspension. Charge having been given to the said William Wilson and Janet Tait, and the former compearing and also the suspenders, the Lords, after hearing parties, fine Lady Sneip in £50 to be paid to the said William Wilson for the riot proven in the said decreet. This her husband undertook to pay with the witnesses expenses within 24 hours. The Lords thereupon suspend the horning, and declare that this sentence shall be without prejudice to Wilson's civil actions for dispossessing him and taking away his goods.

P. 192.

Complaint by Alexander Borthwick of Sauchnell, praying for release from the tolbooth of the Canongate, where he is warded by Sir Robert Douglas of Blaikerston, on the ground of old age and his deprivation from Divine service.

Complaint by Alexander Borthuick of Sauchnell, as follows:—For many years he has been very heavily troubled as cautioner for the deceased Francis Stuart, son of the late Earl Bothwell, "and upon that occasioun hes spent almost all his meanes, and expected in his decrepit age, being now past foure score nyne yeeres, to have died in peace at home. But he is far disappointed." For Sir Robert Douglas of Blaikerstoun, to whom he is cautioner for 6000 merks or thereby, though he may be otherwise secured of this debt, has lately apprehended and imprisoned the complainer in the tolbooth of the Cannogait, "where he is destitut of all conforts requisit to a sickelie, aged man of his conditioun, but speciallie of the benefit of divine service, quhilk is his greatest greefe; and the miseries attending him, if he remaine anie while in this prissoun, will undoubtedlie putt his gray haires to the grave with sorrow, if the saids Lords show him not the customary favors formerlie granted in such caises." The pursuer compearing personally but not the said Sir Robert Douglas, the Lords, "in respect of the said pursuer his great age and sicknes, and to the effect he may have the benefit of divine service, ordains and commands the bailies of the Cannogait to putt him to libertie and fredome furth of thair tolbuith in so far as he is warded at the instance of the said Sir Robert Douglas, whereanent thir presents sall be thair warrant, becaus Mr Andro Borthuick of Sauchnell, Walter and Robert Borthuicks, burgesses of Edinburgh, ar become cautioners for the said pursuer that he sall keepe ward in the burgh of Edinburgh and the Cannogait and not remove furth thairof till he be releeved, under the pane of payment of the haill soumes for quhilks he is warded. And the saids Lords declares that upon complaint of ane partie finding himselfe heirby prejudged they will

take suche course ather for the pursuers reimprissonment or otherwayes, as they sall thinke fitting." Decreta, November 1641-October 1646. P. 193.

John Wilson, prisoner in the tolbooth of the Canongate, to be freed from ward as his creditors refuse to maintain him.

The Lords, considering that on January instant they modified 4s. dayly to be paid to John Wilsone, prisoner in the tolbooth of the Cannogait, for his maintenance, by Robert Arbuckill, William Graham, and James Younger, burgesses of Edinburgh, by whom he is kept in ward, declaring that if the same were not paid weekly he should be liberated, and that they have now seen an instrument under the hand of Alexander M^c^Breck, notary, whereby these three persons on 13th instant declared that "they had bestowed over mekle charges alreadie upon him," and were content that he should be liberated, ordain the bailies of the Cannogait to put the said John to liberty in so far as he is warded at their instance.

The petition of the General Assembly recommended to his Majesty.

"A missive direct to the Kings Majestie recomending to his Majestie the desyre of the Commissioners for the General Assemblie." Sederunts, February 1635-November 1643. Fol. 103, b.

Edinburgh, 26th January 1643.

Sederunt:—Argile, præses; Leven; Hamilton; Cassills; Murrey; Lauderdaill; Southesk; Angus; Yester; Balmerino; Clerk Register; Advocate; Innes. Decreta, November 1641-October 1646. P. 193.

Complaint by George Bell and others, tenants to Fergus Grahame of Blaatwood, against Archibald Douglas of Dornock, whom they accuse of failing to produce certain bonds granted for money.

Complaint by George Bell, Thomas, James, John and Isabel Burrell, and Adie Wylie, tenants to Fergus Grahame of Blaatwod, and the said Fergus for his interest, as follows:—In the action before their Lordships on 24th November last by the said Fergus against Archibald Douglas of Dornock for various oppressions, specially for compelling thame to give bonds and renunciations to him after he had apprehended them on captions for not finding lawburrows to him, notwithstanding that they had done so and produced their acts of caution, their Lordships ordained the said Archibald to produce on that day fifteen days before them all such deeds. This he has not done but still keeps the same, specially one given by the said George Bell, Adie Wylie and Thomas Burrell in the town of Annand, and another given by them and the remanent tenants, complainers, in the Dornock about the same time, intending to hold them over the heads of the poor men, in contempt of the Council's decree. The pursuers compearing by William Graham, son of the said Fergus, and the defender also being present, the latter alleged that by the said decreet he was not obliged to produce any bonds granted for sums of money by virtue of his letters of poinding, of which nature these two bonds libelled were, seeing that by the decreet the validity of his letters of poinding was remitted to the Lords of Session and they have sustained the same. He was only obliged to produce bonds granted by the said tenants for leaving the ground, and these he had produced and delivered to the said Fergus Graham. He gave his oath that he had no other bonds of that nature. The Lords therefore assoilzie him from this complaint. P. 194.

Complaint by Fergus

Complaint by Fergus Graham of Blaatwod, as follows:—On 15th P. 195.

Decreta, November 1641–October 1646. P. 195.

December, 1641, Mark Loch, burgess of Dumfreis, granted to the complainer a bond of relief for the sum of 500 merks or thereby, and the bond was laid upon "a boord in the hous of . . . " beside the complainer; whereupon the said Mark suddenly took up the same "and rave his name therefra." The complainer compearing by William Graham, his son, and the defender being personally present, probation was referred to the latter's oath; who, being sworn, "declared that after the subscribing of the band lybellit and before he delivered the same, he tooke his name therefra because there wes a blank thairin whilk he thought might be prejudiciall to him." The bond being his own and undelivered, he did no wrong to the pursuer. The Lords assoilzie the defender and ordain Fergus Graham to pay to John Johnston and Walter Miller, who were cited and had come hither as witnesses in the case, £10 each, and that within ten days of the charge, otherwise to pay 20 merks within other ten days.

Grahame of Blaatwod against Mark Loch, burgess of Dumfries, whom he accuses of removing his name from a bond.

P. 196.

Complaint by James Beatsone in Pascar Milne, and David Beatson, his son, tenants to James, Earl of Murrey, also the said Earl for his interest, as follows:—Dame Jonet Scot, Lady Balmouto, elder, and Sir John Bosuell of Balmouto, having conceived some grudge against the said James Beatson in reference to "ane water draught beside the said Earles milne at Pascar, they have resolved to duang and oppresse the said James Beatson, his tennent. And for this effect the said ladie, accompanied with Alexander Young and Robert Demperstoun, servants to the Laird of Balmouto, and Thomas Ralffe, servant to Captain Pitscottie, boddin with swords, staffes and other weapons invasive, came upon the last of December to the smiddie of Moseshill, where the said David Beatson wes causing make his fathers work, patt violent hands in his person, caried him to the place of Balmouto and keeped him prisouner there, being his Majesties free liege. And upon Moonday, the 16 of this instant, Robert Tay, at direction of the said ladie, came to the said James Beatsone himselfe and pursued him of his life; and when he departed he told he wes directed be the ladie, but sould come better prepared the nixt time." Charge having been given to these persons complained upon, and the pursuers compearing personally, also Sir John Bosuall with the said Dame Jonet Scot, his lady, "who granted and confest that she desired the said David Beatsone to goe to her hous with her and she would learne him good manners, and keeped him there a certane space, and desired him goe to the milne dam," but the other defenders not compearing, the Lords find that by her own confession the said lady has done wrong to the said David, and ordains her to be warded in the tolbooth of Edinburgh, until they release her. They also ordain the said Alexander Young, Robert Demperston, Thomas Ralffe and Robert Tay to be put to the horn and escheated.

Complaint by James Beatson in Pascar Mill and David Beatson, his son, tenants to James, Earl of Moray, against Dame Janet Scot, Lady Balmuto, for illegal warding of the said James.

P. 197.

Sederunts, February 1635–November 1643. Fol. 103, b.

Sederunt:—Chancellor; Hamilton; Argyl; Eglinton; Cassills; Glencairne; Lauderdail; Southesk; Elphinston; Balmerino; Holyrood House, 28th January 1643.

Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Provost of Edinburgh. Sederunts, February 1635-November 1643. Fol. 103, b.

Payment of the Earl of Lothian for his expenses in France.

"A letter produced frome the Earle of Lindsay quherin wes enclosed a warrant signed be the Kings Majestie allowing the Commissioners of the Thesaurarie to make payment to the Earle of Louthian of £2000 sterline for defraying of his expenses in his voyage to France."

See *ante*, p. 358.

Edinburgh, 31st January 1643.

Sederunt:—Chancellor; Leven; Hamilton; Argile; Eglinton; Cassills; Lauderdaill; Southesk; Angus; Elphinston; Balmerino; Advocate; Treasurer Depute; Justice Clerk. Decreta, November 1641-October 1646. P. 197.

Complaint by William Craighead in Buchlay against James Straton, messenger, and others for breaking into the complainer's house, seizing his goods, and for assault.

Complaint by William Craigheid in Buchlay, as follows:—On 10th September last, James Bruce at Scotsmilne, John Stratoun, messenger, James Gray, servant to the said James Bruce, Robert Arbuthnot at Inglismilne, William Donaldson and Andrew Chessour there, Alexander and David Fraser in the Maynes of Inverrugie, George Brydie in Barhill, John Arbuthnot in Rora, David Arbuthnot at the Mill thereof, Gilbert Simsoun, servitor to James Bruce in Corterstoun, and William Watt in Rounhillock, camed armed to the house of the complainer, when he was from home, "and without anie lawfull warrant ranne at the doores with double geists, brake up the same with the kists, coffers and almereis, and tooke furthe thairof their haill goods, geir, bands, evidents and writts, insicht, plenishing and what they were able to carie away, brake all the timber work and other plenishing quhilk they left behind, and left the doores open and so made all a prey to theeves and pyckers in the countrie, whocame in thereafter and left nothing; and thereby hes altogether herryed the compleaners, who, having come to stop this lawlesse act, they patt violent hands in the compleaners person, P. 198. gave him diverse straikes in his bodie and hes brought him to extreme povertie and miserie." The pursuer compearing but not the defenders, the Lords, after hearing the evidence of witnesses, find that the defenders broke up the doors of the pursuer's house, "with trees and tooke furth the plenishing thairof," and for this they ordain them to be charged to enter in ward within the tolbooth of Edinburgh within fifteen days and there remain until order be taken with them for this P. 199. insolence. The Lords also modify payment to the witnesses, viz. £16 to each horseman and £10 to the footman, to be paid by the producers, but they declare they will cause the defenders repay the same when they enter into ward.

Complaint by Elizabeth Whyte, widow of James Douglas, sheriff-clerk of Berwick, against Robert Lauder of that

Complaint by Elizabeth Quhyt, widow of James Douglas, sheriff clerk of Berwick, and Mr Thomas Ridpeth, now her spouse, as follows:—On 18th November, 1638, Robert Lauder of that Ilk and William Lauder, his brother, were put to the horn for non-payment of a debt of 2000 merks with interest and expenses, but they take no heed thereto. Mr. Thomas Ridpeth compearing for himself and his said spouse but the

Decreta, November 1641-October 1646. P. 200.

defenders not compearing, the Lords ordain the latter to be charged to render their houses to the herald or pursuivant, who shall execute the letters of treason now granted against them, and to enter their persons in ward within the castle of Blacknes within ten days after the charge. The Lords declare that this sentence shall be without prejudice to Mr. Peter Arbuthnot's right to the said rebels' lands and houses by virtue of his apprising thereof.

Ilk and William Lauder, his brother, for contempt of horning.

Sederunt:—Argile; præses; Cassills; Lauderdaill; Southesk; Angus; Elphinston; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Innes.

Edinburgh, 2nd February 1643.

Complaint by Charles Hendersone, commissary of Lauder, as follows:—On 1st November, 1633, Robert Lauder of that Ilk was put to the horn at his instance for non-payment of a debt of 600 merks with interest and expenses, but of this horning "the saids Robert and William Lauders" take no heed. The pursuer compearing but not the defender, the Lords ordain the latter to be charged to render his house of Lauder and to enter himself within the castle of Blacknes within ten days on pain of treason. This sentence is not to prejudice the right of Mr Peter Arbuthnot to the said rebels' lands and house by virtue of his apprising.

P. 201.

Same complaint by Charles Henderson, commissary of Lauder, against the said Robert and William Lauder.

Complaint by Margaret Gordon, widow of John M'Naught of Kilquhannitie, against John Maxwell of Milnetoun for non-payment of the assythment for his slaughter of the said John M'Naught.

Complaint by Margaret Gordon, widow of John M'Nacht of Kilquhannitie, and Edward Maxuell, now her spouse, as follows:—In the action by John Maxuell of Milnetoun against the deceased Roger M'Nacht, son of the said Margaret, respecting the assythement to be given for the slaughter of her said husband by the said John Maxuell, before the Council on 26th June, 1634, their Lordships modified £1000 to be paid, and the same to be consigned in the hands of the Clerk of Council upon the party's refusal to receive the assythement to be given up to him upon his discharge and a letter of slains, "which wes accordinglie done and hes ever since remained in the hands of the said clerk. And now the said Rodger is dead and hes left behind him onelie a sister called Nicolas M'Nacht, maried to Robert Lennox of Disdow, unto whom and the said relict equallie betuix them this assythement doth belong, and incaise of the refusall of the said Nicolas to accept her part the whole aucht to be givin up to the said relict." Charge having been given to the said John Maxwell, John and Nicolas M'Nacht and Robert Lennox; and the said Edward Maxuell appearing for himself and his spouse, but of the defenders only John M'Nacht compearing, who alleged that this assythement could not be given to the pursuers because by the act of Council in June, 1634, it was ordained to be paid to the said Roger only. The Lords "find that upon this act there can be no processe at the instance of the said relict for this assythement or anie part thereof, without prejudice to her to sute for the said assythement upon anie other ground" according to law.

P. 202.

Protest by George Davidson in Linton Park and Lancie Mouat in Linton Burnfute anent a citation at the instance of Alexander Thomson in Kaipup.

George Davidsoun in Lintoun Park and Lancie Mouat in Lintoun Burnfute compearing personally this day produced two copies of a summons whereby they are charged at the instance of Alexander Thomson in Kaipup, tenant to John Rutherfurd of Hunthill, and the said John for his interest, to compear before the Council this day, and protested that in regard their chargers had not compeared, and that they were here ready to answer, no further process should be granted in this matter until they should be cited of new and their expenses paid. The Lords admit the protestation. Decreta, November 1641–October 1646. P. 203.

Edinburgh, 7th February 1643.

Sederunt:—Argile; Cassills; Glencairne; Southesk; Angus; Elphinston; Balmerino; Advocate; Justice Clerk; Wauchtane.[1]

Complaint by Sir Alexander Falconer of Halkerston and others against Andrew Watt at the Coble of Haltoun and others for slaying pigeons, herons, and other game on the lands of the complainers.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, Sir Alexander Falcouner, elder of Halkertoun, Sir Alexander Falcouner, fiar of Halkertoun, one of the Senators of the College of Justice, and John Barclay of Johnestoun, as follows:—The wearing of hagbuts and pistols, "shootting and killing of doues, wilde dukes, herrouns and haires and others foulls" is strictly prohibited by law. The complainers stocked their dovecots upon their lands of . . . "with great store of doues," and planted "ane herrounie thereon, wherein they had great numbers of herrons"; but Andrew Watt at the coble of Haltoun, Alexander Milne in Hospitall, George Smith in Fordoun, John Fettes in Achinblay, James Presh in Stone of Benholme, George Wilsone at Dempsters Milne, William Wilsone there, John Henrie in Wattoun, William Grub in Discloone, Robert Falcouner in Johnsheaven, Alexander Andersone in Inglismadie, Alexander Wod in Craignestoun, William King in Glenbervie, and Alexander Richie in Carnetoun, during the years 1640, 1641, and 1642, came to the complainers' lands armed with hagbuts and pistols with which they killed their "whole doues and herrouns with the wylde dukes and haires being on thair bounds," and daily make such destruction thereof that the complainer's lands are now entirely destitute. Charge having been given to these persons, and his Majesty's Advocate compearing with Mr. David Falcouner, commissary of Edinburgh, for the remanent pursuers, but of the defenders only the said Alexander Milne compearing, who on giving his oath of verity denying the complaint was assoilzied, the Lords ordain the remanent defenders to be put to the horn and escheated. P. 204.

Complaint by Sir Robert Douglas of Blackerstoun against Alexander Borthwick of Sauchnell, who after being released from ward has failed to make

Complaint by Sir Robert Douglas of Blaikerstoun, as follows:— Alexander Borthwick of Sauchnell was imprisoned in the tolbooth of the Cannogait upon letters of caption for not paying to the complainer the sum of 5000 merks, but upon representation made to their Lordships of his age and infirmity his ward was enlarged to the burgh of Edinburgh and the Cannogait, reservation being made to the complainer of having him re-imprisoned if occasion required. He expected that the P. 205.

[1] In the Sederunts Lauderdaill is added.

Decreta, November 1641–October 1646. P. 205.

said Alexander and his sons, to whom he has disponed all his estate, would have made some offers of satisfaction to him after this enlargement, but nothing has been done, and the rebel lives at as great liberty as the complainer himself or any other good subject, a precedent which may prove dangerous by the disappointing of justice and the prejudice of the lieges. Both pursuer and defender compearing and having been heard, the Lords ordain the defender to re-enter to his ward upon Thursday come eight days if before that time he give not satisfaction to the complainer.

offers of satisfaction to the complainer.

P. 206.

Sederunt ut die predicto.

Edinburgh, 9th February 1643.

Complaint by Sir William Scot of Clerkington against William Henderson, bailie of Ormiston, and others for illegally receiving colliers belonging to the complainer into their service.

Complaint by Sir William Scot of Clerkington, one of the Clerks of Session, as follows:—In the Parliament held at Edinburgh in July, 1606, it was statute "that no person sall hyre or conduce coalyers or coalebearers without a sufficient testimoniall subscrivit be the maister whom they last served, or at least ane attestatioun of a reasonable caus of thair removing from the baillie or magistrat where they came fra, and incaise anie receave, fee, hire, supplee or interteane anie of the saids colyears or coalebearers without testificatioun, as said is, the maister challenging them within yeere and day, the person challenged sall deliver them back agane within 24 houres, under the pane of ane hundreth punds to be payed for ilk person to these from whom they past so oft as they sall be challenged and not delivered; and the colyears and coalbearers who receave forewages and fees to be reput and holdin as theeves and punished in thair bodeis." Now, William Alshunder, collier to the complainer, "having left his coale of Clerkington without anie attestatioun and gone to William Hendersone, baillie of Ormston, and James Gourlay in Pencaitland, the compleanner directed Johne Waldie, his tennent, to them upon the 17 of Januar, who required them to deliver back his coalyear, quhilk they refused; and the same day he went to Johne Furd, coalegreave in Southside, who had receaved David Leggat, another of the compleanners coalyers, without attestation and craved the coalyer back, whilk he also refused; and upon the day of he caused make new requisitioun of the saids coilyears, quhilk still they refuse," and so they have incurred the said penalty for each requisition, while they have also injured the complainer by the stoppage of his coalheugh. Charge having been given to the said William

P. 207.

Henderson, James Gourlay, and John Furd, the pursuer compeared personally and declared that he passed from the complaint against William Henderson, provided he received back his collier. William Henderson compeared and exhibited the said William Alshunder, and John Furd also compeared and exhibited the said David Leggat, producing with him an instrument dated at Clerkington, 24th October, whereby the said David Leggat renounced "his service of working to the said John Waldie, tacksman of the coale of Clerkingtoun." This instru-

ment the Lords find to be invalid, as it specifies no reason for his renunciation in terms of the act of Parliament. John Furd confessing upon oath that he refused to deliver the collier when required, the Lords fine him £100 to be paid to the pursuer; and they also ordain both the colliers to be committed to ward until they are released. Decreta, November 1641–October 1646. P. 207.

Complaint by the magistrates of Renfrew against Robert Stuart of Barscube and others for assaulting the fishers of the said burgh on the river Clyde.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and the provost and bailies of Renfrew, as follows:—Though the wearing of hagbuts and pistols and convocation of the lieges is strictly prohibited, yet on 19th May last Robert Stuart of Barscub, Thomas Stuart, younger thereof, William Stuart at the ferryboat of Inchynnane, John Montgomrie in Kowhoill, William Montgomrie, his brother, John Clerk in Carslop, William Stuart in Milnetoun, James Laing in Dalmure, Walter Colquhoun there, Robert and Walter Brock there, and others to the number of thirty persons, armed with swords, staves, and also with the forbidden P. 208. hagbuts and pistols, "came to the river of Clyd and to that salmound shott forenent the lands of Dalmuir betuix the Marlingfurd and Blackstone, perteaning to the toun of Renfrew, in quhilk salmound shott and fishing within the bounds foresaids upon both sides of the river of Clyde, the saids compleanners ar *per expressum* infeft, and hes beene in possessioun past memorie of man without interruption, and where upon the said 19 of May they had their fishers fishing in the said shott with foure or fyve cobles; and not onelie at that time but diverse dayes thereafter and in the moneths of Junij and July the persons foresaids with convocatioun and forbiddin weapons, as said is, threatned the compleanners fishers and servants to fish in the said [shott], kuist out a nett of thair owne and fished and drew salmound furth of the compleanners shott, where the saids persons nor their predecessors had never right nor possessioun. And when as the compleanners fishermen and others inhabitants of the toun of Renfrew wer fishing up and doun the water in the said shott, the saids persons shott their hacquebuts and pistolets at them to the hazard of their lyves and proud contempt of law and justice." His Majesty's Advocate compearing personally, and the said provost and bailies by John Somervell, provost, and Andrew Sempill, clerk, as pursuers, and the defenders also compearing, with the exception of William Stuart in Milnetoun, John Clerk and Walter Brock, the Lords, after hearing parties and witnesses, find that the said Robert P. 209. Stuart of Barscub, and Thomas Stuart, his son, with convocation of the lieges, "violentlie intruded themselves in the fishing libelled upon the said 19 day of May last, and that the said Thomas Stuart had pistolls at that time," for which they ordain them to be warded within the tolbooth of Edinburgh during the Council's pleasure; and the Lords discharge them from troubling the pursuers in their said fishing hereafter save by order of law. They also remit the said Thomas Stuart to be dealt with by the Commissioners of his Majesty's Treasury for his carrying of pistols. The Lords, however, declare that this sentence shall be without prejudice to the rights of parties; and they ordain

Decreta, November 1641–October 1646. P. 209.

payment to be made by the defenders to the witnesses, of £10 to every horseman and £5 to the footman.

The Lords, having considered the petition of Captain Thomas Gray, setting forth "that he, being imployed in the service of his Majestie and Parliament of England under Alexander, Lord Forbes, Lieutenent-generall of the additionall forces for Ireland, and being with him in a fleit going from the river of Limbuck to the countie of Cork, the ship was separat from the fleit and cast upon the yle of Baneshallock in the baillierie of Knapdaill and sheriffdom of Argile, and that he has spent all that he could gett to land for interteanment of himselfe, his officers and souldiers to bring them thither, and therefore desiring some present releeff for himselfe, his saids officers and souldiers"; find the desire reasonable and recommend and give warrant to the Lords of Exchequer and Commissioners of the Treasury to grant some allowance for defraying the petitioner's necessary charges at this time, not exceeding £200 sterling.

Charge to the Lords of Exchequer and Commissioners of the Treasury to pay a sum not exceeding £200 sterling to Captain Thomas Gray, the ship under whose command having been cast ashore in Knapdale.

Acta, November 1641–October 1646. Fol. 75, a.

Sederunt:—Argile, Præses; General; Glencarne; Cassills; Southesk; Lauderdaill; Finlater; Angus; Balmerinocht; Clerk Register; Justice Clerk; Treasurer Depute; Innes; Din.

Edinburgh, 14th February 1643.

"Forsamekle as the Kings Majestie and Estats of Parliament of this kingdom, considering how necessarie, expedient and profitable the erecting and maintaining of manufactoreis will be for this kingdom, als weill in keeping of great quantitie of moneyes within the same, quhilk is now daylie exported for wrought commoditeis, as in setting poore ones to work, restraining of ydle beggers, increasse of vertue and bringing of moneyes into the countrie, and being resolved to use all ordinarie meanes for directing, cherishing and mainteaning of manufactoreis in this kingdom, have therefore be their act of the 16 of November, 1641, givin commissioun to such persons or *quorum* thairof, who sall be nominat be the Lords of Privie Counsell (to whom his Majestie and Parliament be the said act gave the nomination of the commissioners and *quorum* theirof foresaid) to conveene, consult, advise and determine upon the best rules, overtures, propositions and wayes for erecting and maintaining of the saids manufactoreis of all sorts, as is at more lenth conteanned in the said act of Parliament made heeranent. Lykeas the Lords of Privie Counsell, being willing and desirous that all good meanes be used for the furtherance of a work so much concerning the good of the kingdome, have, according to that power givin to them be his Majestie and Parliament, nominat Johne, Earle of Loudon, Lord High Chancellor of this kingdom; Archibald, Marquis of Argile, Johne, Earle of Cassills, Johne, Earle of Lauderdaill, David, Earle of Southesk, Archibald, Lord Angus, Johne, Lord Yester, Johne, Lord Balmerinocht, Robert, Lord Burlie, James, Lord Coupar, George, Lord Foster, Alexander, Lord Balcarres, Sir Johne Hamiltonn of Orbestoun, Justice Clerk; Sir James Carmichael of that ilk, Treasurer Deput; Sir Adam Hepburne of Humbie, knight, Sir

Appointment of a commission for the establishment of manufactories.

Fol. 75, b.

Patrick Hamilton of Little Preston, Sir Patrick Hepburne of Wauchtune, Sir Johne Wauchop of Nidrie, Sir David Crichton of Lugton, Sir William Douglas of Cavers, Sir William Scot of Harden, Sir Robert Drummond of Medhop, Mr George Dundas of Manner, William Rig of Athernie, Archibald Tod, Robert Fleeming, James Rouchheid, Robert Trotter, James Murrey, younger, Thomas Beg and Thomas Paterson, burgesses of Edinburgh, James Bell in Glasgow, Mr Robert Ferquhar in Aberdene, James Simson in Dundie, James Suord in St Andrewes and Richard Chaplane in Hadinton, or anie nyne of them, there being tuo of everie estat present, to be commissioners for the mater of manufactoreis, and ordains them to proceed therein conforme to the warrant and power given to them be the act of Parliament. Acta, November 1641–October 1646. Fol. 75, b.

Act prohibiting hired servants from quitting their masters' service between terms, and skippers from transporting such persons to foreign countries.

Forsamekle as the Lords of Privie Counsell, understanding the great prejudice and losse like to ensue to diverse of his Majesties good subjects of this kingdome by the false and deceatfull cariage of some of their servants and cotters, who being hired be their maisters for service fra terme to terme doe notwithstanding betuix termes and without knowledge and consent of thair maisters privilie runne away, leave their maisters service and convoy themselves over sea, where they remaine for some certane space, thereby disappointing their maisters of their service in labouring the ground or otherwayes as they ar obliged, to the great prejudice of the countrie; for remeid quhairof ordains letters to be direct to command, charge and inhibit all and sindrie cotters, labouring men and hired servants who are tyed in service to thair maisters frome terme to terme that none of them presoome nor take upon hand to leave their maisters service within termes or runne away out of the countrie without a sufficient testimoniall of their maisters under the pane of fourtie punds to be paid be them to their maisters; and als discharging all skippers, maisters, mariners and owners of shippes to transport anie such persons Fol. 76, a. over sea in their shippes without a sufficient testimoniall under the hand of the shireff or shireff deput of the shire where they duell or magistrat of the burgh or minister and kirk sessioun of the parish where they last duelt or under the hand of the maister whom they last served under the pane of fourtie punds for everie person whom they sall transport to be payed and imbrought to his Majesties use: Commanding heirby his Majesties customers and searchers, as they sall find anie such persons within their bounds running away, as said is, to apprehend them and present them to the nixt magistrats to burgh or land that order may be takin with them as accords.

Edinburgh, 14th February 1643.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 210.

Complaint by David Bennet, notary, burgess of Kirkaldy, against William

Complaint by David Bennet, notary, burgess of Kirkaldie, as follows:— William Williamsone, skipper there, in , having "maliciouslie slandered the compleanner, calling him at all publict meetings a false knave, maker of a false band, and counterfeater of Johne Hyggie in Dysert his

Decreta, November 1641-October 1646. P. 210.

Williamson, skipper in the said burgh, and others for slander.

subscriptioun, the compleanner being conscious to his innocencie wes forced for cleering thairof and credit of his calling, being ane notar publict and procuratour before severall judicatoreis, to pursue the said William before the High Commissioun, judge competent at that time in this caise, and obteanned decreit aganis him to confesse his fault in the kirk of Kirkaldie when he sould be required be the ministers." For fulfilling this decree, he thereupon raised letters before their Lordships which were suspended, and the said William was "ordained to improve the band before the judge ordinar betuix and the first of August thereafter." But upon 4th August he gave in a supplication declining this improbation upon some frivolous pretexts and was thereupon ordained to satisfy the foresaid decree as he would answer upon his obedience. "Notwithstanding quhairof he hes ever sensyne in all publict places, but speciallie in the months of August, September, October, and November last, in face of the kirk-session of Kirkaldie, renewed his former slanders, offering to prove the false band and counterfoot subscriptioun foresaid, and undertooke to doe the same before the kirk sessioun when the compleanner did remonstrat thir foule aspersions; but the kirk sessioun remitted the mater to the Lords of Sessioun, judges competent. Lykeas the persons underwrittin, they ar to say, Captane Alexander Hird, James Quhyt, William Young and Johne Tennent, younger, doe publictlie also avow to mainteane all that the said William hes said, by the which infameis they have not onelie verified the tua decreits foresaid, but also doe quhat in them ly to putt the compleanner from imployment and so to begger him and his familie." Charge having been given to these

P. 211.

persons complained upon to compear and be compelled to "improve the said band" and the said William Williamson to be punished for his contempt of the Council's decree, and the pursuers and defenders all compearing, except William Young, the Lords, after hearing parties, remit the matter to the judges competent, civil and ecclesiastical respectively, to be decided by them according to law.

Complaint by Robert Gordon, natural son of the deceased John Gordon of Cairnburro, against the Viscount of Frendraught for illegally detaining him in ward.

Complaint by Robert Gordoun, natural son of the deceased John Gordoun of Carnburrow, as follows:—In January last he was apprehended by the Viscount of Fendracht and upon his information to the Sheriff of Aberdene and his deputes, was imprisoned in the tolbooth of Aberdene, where he has been for a year, "being ane meane gentleman not able to interteane himselfe." All this time the said Viscount has not made any charge against him, neither can he do so, yet the complainer cannot obtain his liberation. Charge having been given to the said Viscount of Frendracht, Mr William Davidsone, sheriff depute of

P. 212.

Aberdene, and Alexander Jaffrey, bailie of Aberdene, for himself and in name of the provost and remanent bailies of Aberdene, and the pursuer compearing by Mr Robert Petre, his procurator, but the defenders not compearing, the Lords ordain the provost and bailies of Aberdene to put the complainer at liberty.

Protest by Hugh, Master

This day compeared Hugh, Master of Lovat, in name of Hugh, Lord

of Lovat, in name of Hugh, Lord Lovat, his father, respecting letters of treason against his said father.

Lovat, his father, who was sick, and, producing a copy of a summons dated 2nd November, 1642, at the instance of Robert Dunbar of Grange, Ninian Dunbar of Grangehill and Patrick Campbell of Booth, his tutor, whereby his said father was charged to compear before their Lordships this day and hear letters of treason directed against him for rendering his houses and the warding of his person in the castle of Blackness, protested that in respect of the non-compearance of the chargers no further process herein be allowed until his father was cited anew and his expenses paid. The Lords allow the protestation.

Decreta, November 1641–October 1646. P. 212.

Edinburgh, 16th February 1643.

Sederunt :—Argile, Præses; General; Hamilton; Glencarne; Cassills; Lauderdaill; Southesk; Dalhousie; Finlater; Angus; Balmerinocht; Elphinston; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Innes; Wauchtun; Din.

Acta, November 1641–October 1646. Fol. 76, a.

Order prohibiting a petition to his Majesty against the payment of the annuities of tithes.

"The Lords of his Majesties Privie Counsell of the kingdom of Scotland, being informed that there is a petition drawin up with some specious pretences to be presented to his Majestie for discharging or superseeding all execution aganis the petitioners for payment of the annuitie of tithes, and that some have dispersed the same throw the countrie and ar to mendicat hands thereto, have thought it incumbent to them who ar entrusted be his Majestie and Parliament in all things concerning the good of this nation to give warning thereof to this whole kingdome, least be their silence they might seeme neglective of their dutie or by suffering the petitioners neglect of the publict judicatoreis (which ar channells for convoying all publict affaires betuix his Majestie and his people speciallie now in his Majesties absence) they sould be secreitlie taxed as unworthie of so great a trust; for the not taking notice heirof cannot but prove a dangerous preparative of contempt of these publict judicatoreis so weill constitut be his Majestie and Estats of Parliament. And since the saids Lords of Counsell have ever been and still ar most willing to see the subjects satisfied in all their just desires and wishes to have them releeved (when it sall be thought fitt in ane ordinar and orderlie way without gathering of subscriptions) not onelie of that of the annuitie but of all impositions which sall be found greevous unto them, they doe therefore ordaine heralds, pursevants and messengers of armes to make publicatioun heirof be opin proclamation at the croce of Edinburgh and others places neidfull, to the effect none of the subjects pretend ignorance of the unusuall and unwarrantable way of proceeding foresaid; and also ordains this to be printed and thereby made knowne to the severall shires, burrowes and presbytereis of this kingdom."

Fol. 76, b.

Edinburgh, 16th February 1643.

[Sederunt as recorded above.]

Decreta, November 1641–October 1646. P. 213.

Charge to James, Earl of Findlater, on

James, Earl of Finlater, on the one part, and George, Lord Bamf, and George, Master of Bamf, his son, on the other, being charged to compear this

Decreta, November 1641–October 1646. P. 213.

day in reference to the fears of a breach of the peace between them, the Earl of Finlater compeared and produced letters of complaint by him against the said Lord and Master of Bamf (who were also present) upon which he had caused charge them to compear and answer upon 9th March next. The Lords, in respect that this complaint deals with the ground of difference between them and that it is to be discussed on 9th March, ordain both parties to remain in town until that day and to find caution respectively in 10,000 merks for keeping the peace, Lord Bamf himself to be cautioner for his son.

the one part and George, Lord Banff, and George, Master of Banff, on the other part, to remain in town till the date when the ground of their differences is to be discussed.

P. 214.

Supplication by William, Earl of Dumfreis, as follows:—His Majesty has been pleased by a patent under the great seal to grant him the office of heritable sheriffship of Dumfreis, and the Laird of Lag presently holds that office by warrant from their Lordships. He craves that they would "exoner the said Laird of Lag" thereof. The Lords, having seen the said gift, "have exonered and exeemed the said Laird of Lag of the said office of shireffship of Dumfreis to the effect the said Earle may enter to the exercise thereof and bruike the same conforme to his gift."

Supplication by William, Earl of Dumfries, anent the heritable sheriffship of Dumfries which has been granted to him by his Majesty.

Sederunts, February 1635–November 1643. Fol. 104, a.

"The Councel ordane David Bennet, notar in Kirkcaldie, to be committed to warde within the tolbuith of Edinburgh, thairin to remaine upon his awne expenses ay and whill the Councels farder pleasure be knawin concerning him, for his threatning speeches uttered at the Counselhous doore against Williamsone in Kirkcaldie."

David Bennet, notary in Kirkcaldy, committed to ward in the tolbooth of Edinburgh.

See *ante*, p. 392.

"The Councel recomends to the Lord General, Hamilton, Argyle, Glencairne, Cassills, Lauderdail, Balmerino, General Artellierie, Innes, to conveen and meit and consider on the best wayes for releiving the present necessitie of the armie in Ireland with victual and clothes, and to report."

Anent the maintenance of the army in Ireland.

"The Councel appoynts a meiting of Councel to be kept at Edinburgh the 9 of Marche."

Meeting of Council.

Decreta, November 1641–October 1646. P. 214.

Sederunt:—Argile; General; Hamilton; Cassills; Glencarne; Lauderdaill; Southesk; Finlater; Calander; Angus; Yester; Elphinston; Balmerino; Clerk Register; Advocate; Justice Clerk; Innes; Dun; Cambo.

Edinburgh, 21st February 1643.

Complaint by the moderator and brethren of the presbytery of Kirkcudbright and Mr Alexander Robertsone, expectant there, as follows:—"The said presbyterie, taking to their consideration the desolat condition of the parochiners of Buttill for want of a preacher, appointed the said Mr Alexander to supplee that defect, who upon the elevint of December last came to the said kirk to preache; but George Maxwell of Munches not onelie withdrew himselfe and numbers of people from the afternoons sermoun but cursed the said Mr Alexander and these who sent him. And upon the 18 of December therafter, being the Lords day, he did

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the like, saying—the said Mr Alexander hanged Christ the day before and now he hoped he would drowne him. And upon the 25, the

Complaint by the presbytery of Kirkcudbright and Mr Alexander Robertson against George Maxwell of Munches for violently excluding the said Alexander from the kirk of Buittle, to which he had been appointed by the said presbytery.

Sabboth thereafter, when as the said Mr Alexander came to preach, the said George Maxwell, Herbert Irwing of Logane, Johne Maxwell, younger of Collingnaw, Johne McCairtney of Leiths and William Broun of Little Knox violentlie debarred him from the kirk, shutt the doores and putt in James Peirson and James Wylie, armed with forbiddin weapons to keep the kirk, so as the said Mr Alexander wes forced to preach in the kirk yaird and the people wer exposed to the injurie of the weather. And upon the first of Januarie thereafter the said George came to the said Mr Alexander imperiouslie demanding, 'Did I not forbid yow to come? Ar yow come to hang Christ?', called him ane officious and ignorant knave. Lykeas William Maxwell, brother to the said George, threatned to stick the said Mr Alexander, saying he wes but a fellow none would take notice thereof; and that he had a commissioun from the Earle of Nithsdaill to suffer none come there without his consent." Charge having been given to these persons and there compearing as pursuers Mr Irwing, minister at , Mr John McClellan, minister at Kirkcudbright, and Mr Hugh Henderson, minister at , in name of the said presbytery, with the said Mr Alexander Robertson, and as defenders the said George and William Maxwell, Harbert Irwing, John Maxwell, John McCaitney and William Broun, and they and certain witnesses having been heard, the Lords find "that the said George Maxuell uttered the blasphemous speeches libelled upon the said 18 of December when the said Mr Alexander came to preach by order from the presbyterie, saying that the minister had hanged Christ the day before and now he hoped he would drowne him; and that upon the 25 day thereafter, being the Lords day, he caused James Peirsone close the kirk doores upon the said Mr Alexander"; for which "verie great insolence" they ordain him to be warded in the tolbooth of Edinburgh, fine him 300 merks which are to be paid to the presbytery and disposed of by them as they think fit, and order him to pay 20 merks to each of the witnesses examined in the matter. This sentence is not to interfere with any ecclesiastical sentence already given or to be given hereanent

Decreta, November 1641–October 1646. P. 215.

P. 216.

Supplication by Thomas Mudie and James Blyth, late bailies of Dundee, for suspension of horning.

Supplication by Thomas Mudie and James Blyth, late bailies of Dundie, as follows:—Upon a complaint by the Viscount and Master of Duddop (*ante*, p. 376), their Lordships ordained the supplicants to enter into ward within the tolbooth of Edinburgh and have directed letters of horning against them for that effect. They have now in obedience thereto come to this burgh and hope to give their Lordships satisfaction in anything that can be laid to their charge and desire that the horning be suspended. The Lords, with consent of the said Master of Duddop, suspend the horning so far as concerns their entering into ward.

P. 217.

Complaint by Thomas Carpenter and others, merchants in

Complaint by Thomas Carpenter, John Feild, Richard Stiles, John Leignou and Steven Arnolt, merchants in Dubline, and Nicolas Keay, their commissioner for his interest, as follows:—They recently purchased

Decreta, November 1641-October 1646. P. 217.

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at Newrie in Ireland from Lieutenant-Colonel Sinclar governor there, 2450 salt hides, 60 cakes of tallow weighing 40 stone at 36s. per stone, a bag of woll containing 4 stone at 9s. per stone, and a bag of feathers containing 8 stone at 8s. per stone, and having paid for the same and carried them to Carlingford they were violently taken from them by John McAdams by the force of some soldiers and transported by him to Air in Scotland or elsewhere, where they are now in the possession of John Kennedie. Of this matter his Majesty's Council in Dubline has taken notice and written to the Council of Scotland for justice. Charge having been given to the said John McAdams and John Kennedie, and Nicolas Kea compearing, and also the said John Kennedie, who produced a warrant under the hand of General Major Monro, dated at Caricfergus 10th May, 1642, to Hugh Kennedie, bailie of Air, brother of the said John, and John McAdams, to receive such hides and tallow as were in the garrison at the Newrie conform to the said General Major's letter written to Lieut.-Col. Sinclar; as also another warrant by the said General Major Monro, dated at Caricfergus 7th June, 1642, to the same persons to meddle with the said hides and tallow, "being in the barks of Thomas McAla, Thomas Lyoun, James Brigs and William Montgomerie," the Lords, having seen and perused the warrants, find that the said Hugh Kennedie and John McAdam have acted lawfully in this matter as warranted by Major General Monro, who had chief command in the army, and declare them free of the arrest of the said goods or claim against them for the same by the pursuers. But they recommend his excellency the General to take some course with Lieut.-Col. Sinclar for satisfying the pursuers.

Dublin, against John M'Adams for seizing certain goods of the complainers, and against John Kennedy in Ayr for receiving the said goods.

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Sederunts, February 1635-November 1643. Fol. 104, a.

"A petition presented be some noblemen and others desyring the Council to recommend to the Excheker that the petitioners might upon caution have suspension of these charges used against thame for payment of the annuitie."

Petition anent the payment of the annuity. See *ante*, p. 394.

"The quhilk day David Bennet, being brought out of the tolbuith and exhibit before the Councel, did humblie upon kneis with opin doores crave pardon of the Counsell for his threatning speeches uttered at the Councellhous doore against Williamson in Kirkcaldie."

Apology to the Council by David Bennet. See *ante*, p. 395.

Acta, November 1641-October 1646. Fol. 76, b.

[No record of Sederunt.]

Edinburgh, 23rd February 1643.

"The quhilk day George Halden, Keeper of the Signet, produced a signet in gold made be warrant of ane act of Counsell in September last, together with the old signet, quhilk wes brokin in presence of the Counsell, and the new one delivered to the said George Halden to be made use for service of the lieges."

Production of a new signet and breaking of the old one. See *ante*, p. 329.

"The Lords of Privie Counsell, considering that his Majesties service at the justice courts in the Borders may suffer in respect it is not perfytlie knowne who is crownner of the steuartrie of Annerdaill, doe therefore ordaine him who served in that place at the last justice courts to exer-

Coroner of the stewartry of Annandale.

cise the same at thir courts without prejudice of anie mans particular right to the office of crownner." Acta, November 1641-October 1646. Fol. 76, b.

Charge to Sir John Auchmoutie, sheriff of Haddington, to produce to the Council a petition against the exaction of the annuity of tithes which the said Sir John presented for signature to the free-holders of Haddington.

"The Lords of Secreit Counsell, being informed that at the late meeting of the barons and free holders of the constabularie of Hadingtoun for choosing of commissioners to the Parliament, Sir Johne Achinmowtie, shireff of Hadintoun, did present to the saids small barons a petition subscribit be some noblemen and others to be sent to his Majestie for discharging or superseeding the exacting of the annuitie of tithes, and desired these who were conveenned to signe the same, quhilk petition the saids Lords for speciall considerations find requisit to be exhibit and considdered be them, and thairfore ordains letters to be direct charging the said Sir Johne to compeir upon the 28 of this instant, and exhibit the petition foresaid presented be him to the saids small barons to be considdered be the saids Lords and such course tane thereanent as they sall think fitting, under the pane of rebellion, etc., with certification, etc.

Charge to the Commissioners of Justiciary in the Highlands to attend a justice-court to be held on 11th April.

"Forsamekle as the Lords of his Majesties Privie Counsell, having Fol. 77, a. by warrant frome his Majestie and Estats of Parliament granted commission of justiciarie to certane noblemen and others within the bounds of the Hielands, quhilks commissioners, according to the warrant of their commissioun, mett at Perth in Aprile, 1642, and divided themselves in tua *quorums*, the one quhairof to remaine and doe justice in the west and the other in the northerne parts; notwithstanding the service hes beene hithertills neglected and the lieges disappointed of justice throw the not attendance of such persons as ar appointed commissioners to attend the saids courts; and whereas George, Marquis of Huntlie, William, Earle Mairshell, James, Earle of Murrey, George, Earle of Seafort, James, Earle of Finlatter, George, Lord Gordon, Johne, Lord Areskin, Andro, Lord Fraser, Hugh, Maister of Lovat, Sir Robert Innes of that ilk, Sir Alexander Irving of Drum, James Crichton of Fendracht, Sir William Forbes of Cragivar, Johne Forbes of Leslie, Sir Alexander Sutherland of Duffus, Alexander Dumbar, shireff of Murrey, Thomas McKenzie of Pluscardin, James Grant of Freuchie, William McIntosh of that ilk, Sir Alexander Abircrombie, younger, of Birkinboig, Sir James Fraser of Brea, Walter Barclay of Towie, Johne Grant of Moynes, Hugh Ros of Kilraock, Alexander Ogilvie of Kempicarne, Alexander Strauchan of Glenkindie, Robert Ferquharsone of Invercald, Mr Alexander McKeinyie of Culcowy, Alexander Brodie of Lethin, and Duncan Forbes of Culloddin ar appointed commissioners to attend a justice court, quhilk is to be haldin upon the ellevint day of Aprile nixt, the Lords ordains letters to be direct charging the saids persons to attend the said court and to concurre and assist with the rest of the commissioners according to the tenor of their commission, and not to leave the court untill the samine sall be by commoun consent of the haill commissioners ended and disolved; and this they faile not to doe as they will be answerable to his Majestie and the saids Lords upon their perrell."

Decreta, November 1641–October 1646.

[*Sederunt ut die predicto.*]

Edinburgh, 23rd February 1643.

P. 219.

Supplication by Oliver Mouat, indweller in Stornway, as follows:— William Cob, Englishman, in September, 1641, sold to him a "bush called the Row of Londoun, and, having entered him to the possession thairof, he hes sailed in the said bush and traded therewith continuallie sensyne whill the moneth of November last, at whilk time the said William Cob arryving at the said toun of Stornway, intending, as appeared to the supplicant, to have takin away his said ship and haill furniture thereof perforce; and at last, having discovered his secreit practises, he affirmed to the Earle of Seafort, duelling there for the time, that he had a letter of mart from the Kings Majestie for seasing upon the supplicant and his ship and to apprehend all other shippes and goods comming and going to the Lewes, North yles, and Orkney. Whereupon the said Earle, for avoiding of trouble that wes like to fall out betuix the said William Cob and the supplicant, caused seaze upon the supplicants ship and goods thereintill whill the questions and clames moved aganis him sould be decyded, albeit no processe hes beene intented aganis him at the said Williams instance before anie judge within this kingdome, nather anie arrestment hes beene made upon his ship and goods at his instance, or at the instance of anie other person or persons pretending right thereto. And, seeing his said ship wherein he hes eighteen men upon his hand daylie interteanned upon his charges and expenses is lying ydle, to his unspeakable losse and prejudice, and, if the said ship and goods ly anie longer, not onelie will she be spoyled and the supplicants haill goods being thereintill wasted and destroyed, but lykewise he sall loose and tyne this ensuing summer trade of herrings and other fishes, as he hes done his winter trade bypast, whilk will tend to his utter wrack and ruine," he craves their Lordships to order the Earl of Seafort to restore to him his ship and goods. The Lords, after advising, ordain the said Earl to deliver to the supplicant his said ship and goods that "he may use his calling and trade therewith without stop or trouble," because the said Oliver Mouat, compearing personally before their Lordships, and declaring himself, upon oath, unable to find a cautioner, obliged himself to make the said ship and goods forthcoming to all parties having interest under the penalty of 4000 merks and of perjury, infamy and defamation.

Supplication by Oliver Mouat, indweller in Stornoway, that a ship which he had bought from William Cob, Englishman, but which the said William reclaims, may be restored to the supplicant pending the settlement of the dispute.

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The Lords ordain the provost and bailies of Edinburgh to liberate George Maxwell of Munsches from their tolbooth, in so far as he is warded upon the complaint of the presbytery of Kirkcudbright, seeing he has paid the fine of 300 merks imposed upon him and found caution in 1000 merks (whereof the one half to the King and the other half to the presbytery) not to interrupt Mr Alexander Robertsone nor any other whom the said presbytery may employ to preach at the kirk of Buthil, except by order of law.

Order to the magistrates of Edinburgh to release from ward George Maxwell of Munches.

See *ante*, p. 395.

The sheriff of Haddington. See *ante*, p. 398.

"Letters direct against the shireff of Hadinton to exhibit a petition against the anuitie quhilk wes produced be him at the meiting of the shyre." Sederunts, February 1635-November 1643. Fol. 104, b.

John Bulcraig and Alexander Marten.

"The Councel prorogats the recomendation granted in favors of John Bulcraig and Alexander Marten of the 29 of November till the 1 of June nixt."

Edinburgh, 28th February 1643.

Sederunt:—Argile, Præses; Leven; Hamilton; Eglinton; Glencarne; Cassills; Murrey; Lauderdaill; Southesk; Finlater; Callander; Angus; Balmerino; Yester; Elphinston; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cambo; Wauchtun; Innes; Provost of Edinburgh. Acta, November 1641–October 1646. Fol. 77, b.

Proposal for procuring money for the maintenance of the army in Ireland.

"The Lords of Secreit Counsell finds that the readiest way for procuring of moneyes to supplee the necessiteis of the armie in Ireland is that all counsellers, judges, noblemen and others weill affected be desired to contribut upon the publict suretie of the judicatoreis of Counsell, commissioners for the peace and commoun burdens and assignatioun to the pay due or to be due to the said armie be the Parliament of England; and recommends the Earles of Lauderdaill and Southesk, the Lord Balmerino and his Majesties Advocat to condescend on the forme of the suretie."

Proclamation against eating flesh in Lent.

"Forsamekle as in the Parliament holdin at Edinburgh in the moneth of Junij, 1594, it is statut and ordained that in all time comming the time of Lentron, for preventing the dearth and skarsetie of all kynd of fleshes, sall be certane fra the first day of Merche inclusive to the first day of May exclusive, lykeas for avoiding of all appearance of superstition in this point as the former yeere, so now also the Lords of Privie Counsell find it necessar and expedient that the lieges be tyed to the observation thereof in all time comming, and that the selling, slaying and eating of flesh forbiddin heirtofore sall be during the time foresaid prescribed be the said act of Parliament and conforme to the tenor thereof in all points; and ordains letters to be direct to make publication heirof be open proclamation at the mercat croce of Edinburgh and others places neidfull quhairthrow none pretend ignorance of the same, and to command, charge and inhibit all and sindrie his Majesties lieges and subjects of quhatsomever rank, qualitie and degree that none of them presoome nor take upon hand fra the said first day of March inclusive to the first day of May exclusive, to eat or make readie for eating anie kynd of flesh, and that no fleshers presoome nor take upon hand during the time foresaid to slay nor sell flesh under quhatsomer cullour or pretext under the panes conteanned in the acts of Parliament, certifeing them that failleis that the saids panes sall be uplifted of them without favour; and siclyke to command and charge all and sindrie shireffs, stuarts, provests and bailleis of burrowes and all others bearing anie publict charge within this kingdom, everie one of them within thair Fol. 78, a.

Acta, November 1641–October 1646. Fol. 78, a.

severall offices and jurisdictions, to have a speciall care and regard to see this present act observed in everie point."

Decreta, November 1641–October 1646. P. 221.

[Sederunt as recorded above.]

Edinburgh, 28th February 1643.

Supplication by James, Earl of Finlater, Thomas Black and Alexander Andersone, falconers to the said Earl, as follows :—They have summoned Lord Bamff and his sone and servants to compear before their Lordships on 9th March next "to answer for the base and cruell insolence committed be them upon the said falcouners" as therein set forth. "This barbarous fact wes committed in the feild neir hand the Lord Bamffs hous of Rettie," and none were present thereat save the Lord Bamff and his son, tenants and servants. The supplicants can only obtain probation from such, and they have raised letters to summon Robert Ogilvie, uncle to Lord Bamf, John Ogilvie, his bastard brother, Thomas Josse, his tenant and chamberlain, Robert Bruce, his steward, William Broun, his gardener, Davidson, his footman, John Dick, another footman, Patrick Gellie, his tenant and servant, and William Sheroun, his servant, as witness; but, seeing they are all servants and followers of the said Lord, it is probable they will not appear unless the Lords issue an order upon Lord Bamff to exhibit them. This the supplicants craved; and the Lords, having on 10th February heard Lord Bamf on the point, found at that time that Lord Bamf ought upon Tuesday to exhibit such witnesses, being his tenants and domestics, as the Earl of Finlater should give in a roll of to the Clerk of Council and against whom Lord Bamf could make no exception, and Lord Bamf compearing this day and acknowledging that the persons named, with the exception of his uncle and his bastard brother, were his tenants or servants, the Lords took him bound to exhibit them on 9th March next.

Supplication by James, Earl of Findlater, and Thomas Black and Alexander Anderson, his falconers, anent an assault made on the said Thomas and Alexander by the servants of Lord Banff.

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For the safe appearance of Patrick Dalgarno of Towie before his Majesty's Justice on 1st March next to answer at the instance of John Forbes of Blyth, the Lords declare him free of all hornings and captions until 4th March next.

Patrick Dalgarno of Towie and John Forbes of Blyth.

Complaint by James Fletcher, provost, James Simson, Alexander Milne, Alexander Wedderburne, and George Broun, bailies, James Wedderburne, Robert Davidsone, Thomas Mudie, John Blyth, Robert Fletcher and Alexander Halyburtoun, William Wright, elder, Patrick Guthre, elder, Robert Bultie, Alexander Wedderburne, James Leslie, Robert Strane, William Stevensone, collector, John Lauson, elder, and Peter Wright, councillors of the burgh of Dundie, as follows :—They have been charged by their Lordships at the instance of John, Viscount of Duddop, and James, Master of Duddop, to find caution in their Lordships' books for the indemnity of the said Viscount and Master and their men, tenants and servants at their hands and the whole inhabitants of their town under a penalty of £10,000; and for the complainers' alleged disobedience they are threatened with horning. Now this is wrongly done,

Complaint by the magistrates of Dundee in which they claim exemption from horning at the instance of John, Viscount of Dudhope, on the ground that they cannot legally be required to find caution for all the indwellers in the said burgh.

P. 223.

for (1) by the law of this kingdom they are only bound to find caution for themselves and their men, tenants and servants; (2) being all burgesses they cannot be charged for a greater sum than 500 merks; (3) there are many inhabitants in their town who are gentlemen having no relation to nor dependance upon the complainers and for whom they cannot be answerable; (4) it should be cleared who are the said Viscount's and Master's men, tenants and servants to whom this caution applies, seeing they are in many places, as in Argile and other shires, and some of them in Dundie, who will disclaim the charge; and (5) the charge is groundless as the said Viscount and Master cannot swear that they dread bodily harm from the complainers and the inhabitants of Dundie since many of them are their own tenants, and others are gentlemen of good correspondence with them, and none of the complainers did ever give them just cause of fear. Still for eschewing the danger of horning they have found caution as required and now seek that the letters be suspended. The complainers compearing by Alexander Wedderburne, bailie; Thomas Mudie, dean of guild; John Blyth, Alexander Halyburtoun and Mr Alexander Wedderburne, clerk to the town of Dundie, the last named gave in an additional reason, viz., "That the magistrats and counsell of Dundie cannot be tyed to find caution to anie particular person for everie inhabitant of their burgh, becaus the burgh being ane incorporation can onelie be esteemed the representative bodie for what concernes the haill toun in generall or what is done be their command; and cannot be answerable for the deid of everie individuall burges, who aucht to [be] lyable for themselves and have als great fredom within the burgh as the magistrats, and so aucht to be particularlie charged conforme to the act of Parliament and under the panes allanerlie conteanned therein; nather can the toun be answerable for their haill inhabitants who ar not burgesses and under their jurisdictioun since the charger himselfe may be ane inhabitant, and anie of his servants or tennents duelling in the toun doing him anie wrong cannot be layed to the charge of the toun." The Master of Duddop also compearing for himself and his father, replied "That the charge is used against the magistrats as a representative bodie and who aucht rather to be lyable for their inhabitants and members of their toun then a maister for the persons being in his familie, speciallie in this caise where a cleere oppressioun hes beene provin to be done be them against the chargers; and the Counsell hes beene in continuall custome of modifeing panes of lauborrowes according to the qualitie of the persons and merit of the caus. And the toun aucht also to be answerable for such of their burgesses as ar tennents to the charger in respect he hes no power over them, but they may be instigat to violence in the touns quarrell being subject to their jurisdictioun. And, farther, the toun cannot but be answerable for their haill inhabitants since they as the representative bodie have charged the Lord Duddop and his sone not onelie to sett caution to themselves but also to their haill burgesses.

Decreta, November 1641–October 1646. P. 223.

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Decreta, November 1641–October 1646. P. 225.

So the termes being reciprocall the caution aucht also to be reciprocall." The Lords, after advising, suspend the horning in respect of the caution found by the suspenders, which the Lords ordain to stand and be in force simply "aganis the toun of Dundie for everie fact or deid to be done be the provest, anie of the baillies or counsell, or be anie of the commoun officers of the burgh for the time being; and declares the toun to be no farther bound for the deeds of the rest of thair inhabitants or burgesses but such as sall be done be their causing, sending, hounding, command, ressett, assistance or ratihabitioun; excepting alwayes the particular time wherein the Vicount of Duddop or his successors sall be in exercise of the priviledge of their office of constabularie within the toun of Dundie, during quhilk time the Lords finds that the toun aucht to be liable *simpliciter* for the deads of their haill inhabitants." The Lords ordain that this act shall not prejudge any former act or decreet procured by the chargers against the suspenders. On pronouncing hereof Mr Alexander Wedderburn, in name of the suspenders, protested that the same should be without prejudice of their civil actions depending against the Viscount of Duddop.

Sederunts, February 1635–November 1643. Fol. 104, b.

"The quhilk day Argyle, Cassills, Lauderdail, Southesk, Angus, Balmerino, Yester, Burlie, Balcarres, Justice Clerk, Treasurer Depute, Humbie, Wauchton, Sir Patrick Hamilton, Medop, Maner, Archibald Tod, Robert Fleeming, James Murrey younger, Thomas Beg, Thomas Paterson, Mr Robert Ferquhar, James Sword, Richard Chaplan, commissioners nominat for the bussines of the manufactories, and accepted the commission on thame and gave thair oathes *de fideli*." Edinburgh, 28th February 1643. Commission for the establishment of manufactories. See *ante*, p. 391.

"The quhilk day Southesk accepted on him the commission for regulatting the comissariots and gave his oath *de fideli*, etc." Lord Southesk and the Commissariat.

"The Councel finds that the reddiest way for procuring of money to supplie the necessities of the armie is that all counsellers, judges, noblemen and others weil affected be desyred to contribut upon the publict suretie of the judicatories of Counsell, Commissioners for the Peace and Burdens, and assignation to the pay dew or to be dew to the armie in Ireland be the Parliament of England; and recomends to Lauderdail, Southesk, Balmerino, and Advocat to condiscend on the forme of the suretie." Anent the proposal for procuring money for the maintenance of the army in Ireland. Fol. 105, a. See *ante*, p. 400.

"The Marques of Argyle offered 1000 lib. sterline; the General, 500 lib.; Eglinton, 500 lib.; Cassils, 500 lib.; Argyle, in name of the Chancellor, 500 lib.; Balmerino, in name of Louthian, 500 lib.; Balmerino, for himselfe, 500 lib.; Lauderdail, 500 lib.; Yester, 500 lib., tua be precept; Callander, 400 lib.; Burley, 300 lib.; Glencairne, 500 lib.; Southesk, being satisfied of the surtie and the hail soume not exceeding 20,000 lib. sterline, 500 lib.; Clerk Register, 200 lib.; Advocat, 200 lib.; Justice Clerk, 200 lib.; Treasurer Deput, 200 lib.; Wauchton, Cambo, and Innes, among thame, 500 lib." Offers of money by the Marquis of Argyle and others in connection with the above proposal.

Edinburgh, 1st March 1643.

Sederunt:—Argile, Præses; General; Hamilton; Eglinton; Glencarne; Cassills; Lauderdaill; Southesk; Finlater; Calander; Yester; Elphinston; Balmerino; Burlie; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Innes; Cambo. Acta, November 1641–October 1646. Fol. 78, a.

Supplication by the noblemen, barons, gentlemen, and others who drew up the petition to his Majesty against the exaction of the annuity of tithes.

See *ante*, p. 394.

"Anent the supplication presented to the Lords of Secreit Counsell in name of some noblemen, barons, gentlemen and others occasionallie mett at Edinburgh, makand mentioun that quhair the saids Lords be their act of the 16 of Februar, have beene pleased to give warning to the whole kingdom of a contempt of this publict judicatorie of the Privie Counsell and of ane unusuall and unwarrantable way of proceeding in mendicating and gathering subscriptions to a petitioun drawin up with some specious pretences to be presented to his Majestie for discharging or superseeding all execution against the petitioners for payment of the annuiteis of their tithes, the petitiouners doe in all humilitie present to the Counsells grave consideratioun that in their purpose they did pretend nothing but what they intended, which wes out of the sensible feeling of their sufferings, by reiterated valuations of their estats, the heavie danger of different oaths, the charges, distractions, attendance and such like over and above the annuitie it selfe to desire to be eased of so suddane payment of their annuitie, that they did not conceave the offering a petition without anie complaint or rubb upon anie judicatorie quhatsomever immediatlie to the King, the head and fountane from whence all other streams and channells doe flow, could have givin anie offence; that they did not understand that the supplicating the King directlie without interposing anie intercessioun would have beene interpreted to have beene ane unorderlie leaping over the Counsell, seing they did not supplicat *contra jus generale aut utilitatem publicam*; they thought it wes agreable with the naturall libertie of the subject in their greevances to have recourse to the King and consonant to the power and place the soverane hes from God out of his bountie and munificence to bestow favors upon his people; that, albeit appellation in some caise be prohibited, yitt did they not remember or ever find that supplications ather by the commoun law or our municipall law wer unwarrantable; that they did apprehend that the subscriptions of a number equallie interest would be ane inducement to his Majestie to listen to their humble petition. The saids petitioners doe therefore become suters to the saids Lords that they would beleeve their signing of the petitioun to be no neglect or inorderlie contempt. And, least by delay manie of the supplicants suffer by the strict course which is takin aganis them for payment of these annuiteis, speciallie all suspensions being refused, but upon consignatioun they humblie crave that the saids Lords would be pleased to recommend to the Commissioners of the Exchecker the superseeding of all executioun agains them at least upon cautioun that suspensions may be granted untill the returne of his Majesties pleasure in this particular; lykeas at mair lenth is conteanned Fol. 78, b.

Acts, November 1641 - October 1646. Fol. 78, b.

in the said supplication. Quhilk being read, heard and considdered be the saids Lords, and they advised therewith, the Lords of Secreit Counsell declares they will take such course heerin as may conduce most for the good of his Majesties service and the publict weale of this haill kingdome, without consideratioun of anie mans particular or of petitions of this kynd."

Anent the petition against the exaction of the annuities of tithes.

"The quhilk day the Lords Johnstoun and Barganie, the Lairds of Kilbirnie and Lamingtoun, compeirand before the Counsell, declared they had seene the petition exhibit to the Counsell be Mr Alexander Belshes, and that in the petition givin in be them upon the 21 day of Februarie and answered this day they did not intend to taxe the Lord Chanceller nor anie of his servants, but onelie desired that for eschewing the danger of horning the Counsell would recommend to the Exchecker that upon caution they might have suspensioun of the charges used aganis them for payment of the annuitie. And being asked in whois name they did present that petition they declared they did present the same for themselves and all who doe or will joyne with them therein."

Fol. 79, a.

"The Lords ordans Mr Alexander Belshes to have ane extract of the declaration made be the Lord Johnstoun and others presenters of the said petitioun."

The petition anent the exaction of the annuities of tithes exhibited to the small barons of the sheriffdom of Haddington by Sir John Achinmowtie, and intended to be presented to his Majesty.

"Forsamekle as anent the charge given to Sir Johne Achinmowtie, shireff of Hadintoun, to have compeired before the Lords of Privy Counsell at a certane day bygane, and to have exhibit ane petitioun subscribed be some noblemen tuiching the annuiteis, and presented be him to the small barons of the shirefdom of Hadintoun in a shireff court there, as at mair lenth is conteanned in the letters direct heeranent, quhilks being called, the said Sir Johne, for obedience of the charge, compeired and produced the said petitioun, of the quhilk the tenor followes:—To the Kings most excellent Majestie, the humble petition of the noblemen, barons and gentlemen occasionallie mett, humblie sheweth that, whereas your Majestie, at your late being in Scotland, being humblie moved to discharge and liberat the subjects of this kingdom of the annuitie due to your Majestie out of the tithes wes pleased in that onlie particular to delay to give us all our hearts desire, we now, out of the sense of the great burdens which ly on us and in confidence of the continuance of your Majesties fatherlie care of the good of your subjects, presoome humblie to supplicat your Majestie to be graciouslie pleased in this particular to dispense with your benefit, or, at least, till your Majestie be informed of the true estat thereof, to discharge all executioun aganis us for the saids annuiteis. And for all your Majesties incomparable goodnes and gracious favors, we sall, as in duetie bound, behave our selves in everie thing as becometh loyall and faithfull subjects and, as we have unanimouslie endeavored, so we sall continue to returne such thankfull acknowledgment as may give unto your Majestie a reall testimonie of our zealous affection to your Majesties sacred person, honnour and greatnes derived upon your Majestie be so manie

Fol. 79, b.

unparallelled descents, and as your Majestie may expect and justlie challenge of us, your Majesties most obedient and obliged subjects." Acta, November 1641–October 1646. Fol. 79, b.

£20,000 sterling for the army in Ireland.

"The Lords of Privie Counsell thinks fitt that tuentie thousand punds sterline be presentlie dealt for and als much more or lesse as sall be volunturlie offered betuix and the first of May nixt for supplee of the Scots army in Irland."

The annuities petition.

"The petition given in upon the 21 of Februar be Barganie, etc., this day ansuered." Sederunts, February 1635–November 1643. Fol. 105, a.

Edinburgh, 3rd March 1643.

Sederunt:—Argile; General; Eglinton; Cassills; Lauderdaill; Southesk; Callander; Yester; Balmerino; Burghlie; Advocate; Innes; Wauchtune; Cambo. Decreta, November 1641–October 1646. P. 226.

Supplication by Sir Robert Adair of Kinhilt for the defraying of his charges for levying a troop of 60 horsemen for service in Ireland.

Supplication by Sir Robert Adair of Kinhilt, as follows:—In February last, by warrant from the Parliament of England, "he leveyed a troup of three score hors, besides officers, upon his owne charges to attend the Scotish armie in Ireland, which wes to be interteanned be the said Parliament; and for this effect did engadge his owne estat in this kingdom with his credite and freindship, and caried them over for the most part out of this kingdom and hes keeped them there for the space of eight moneths without anie pey or furnishing; quhilk he did expect from the Parliament of England but receaved never anie thing except some provend and oats from the General his Excellency. The losses quhilk the supplicant susteanned for adhering to the Nationall Covenant by the adversaries thereof in Ireland and by the late rebellion, wherein his haill estait there is waisted, and this late engadgement is likelie to ruine him and overthrow his haill estat and freinds in this kingdom, and he hes small hopes for the present of anie releeff from the Parliament of England becaus of the distractions there, so as he knowes not how to subsist nor keep his people anie longer in service." He therefore craves their Lordships to recommend his case to the Parliament of England so that the arrears of pay due and the future pay may be paid to the receiver and commissary of the Scottish army, and that meanwhile their Lordships would grant to him and his troop the like relief as they give to the rest of the Scottish army in Ireland. The Lords recommend to the Scottish commissioners in England to deal with the English Parliament for payment of what is due to the supplicant, and declare that in the course to be taken for the supply of the Scottish army they will have consideration of the supplicant's troop. P. 227.

Supplication by Sir John Gordon of Embo anent Lord Reay whom he has charged to appear before the Council to answer for his lawlessness.

Supplication by Sir John Gordon of Embo, as follows:—Donald, Lord Rea, "taking advantage of the troubles of the time, hes rendered himselfe altogether lawlesse, contemning both duetie to God and his prince, and hes endeavoured to ruine the supplicant and his haill estat by practises of high attempts, for the quhilks he hes raised letters to charge him to appeare to his answer before the saids Lords; and least he sould have anie pretext of excuse for his absence becaus of his restraint and

Decreta, November 1641–October 1646. P. 227.

confynement within his owne bounds, where he tyrannizes as if there wer no king nor law to putt order to his insolencies," he craves that their Lordships would declare that such restraint, if any be, shall be no impediment to his compearance, but that he is hereby enlarged for twenty days before and twenty days after the diet fixed for the same. This the Lords do, and further direct that this be intimated to the Lord Rea when he is charged to compear.

Sederunts, February 1635–November 1643. Fol. 105, b.

"Conservators of Peace:—Argyle; Leven; Eglinton; Lauderdail; Callander; Balmerino; Kerse; Warestoun; Cambo; Wauchton; Innes; Wedderburne; Patrick Hamilton; W. Smith; W. Semple; James Sword; Hew Kennedie; with the Commissioners of Burdens." Conservators of Peace.

"A letter direct frome the Councel to the Kings Majestie and an other to the commissioners anent the annuitie." The annuities on tithes.

"For supplie of the armie in Ireland upon publict surtie Humbie offered 200 lib.; Wareston, 200; Cassills and Humbie for Lindsay, 500; Wedderburne, 100; Nidrie, 100; Bandeth, 100; Preston, 100; Caprinton, 100; Balmayne, 100; S. W. Smith, 200 lib.; Forrester, 300 lib.; W. Binnie, 50 lib.; James Sword, 50 lib.; Hew and W. Kennedies, 100 lib." Sums contributed for the maintenance of the army in Ireland.

Acta, November 1641–October 1646. Fol. 79, b.

Sederunt:—The Lords of Privie Counsell, Commissioner[s] for conserving the peace and of the Commoun Burdens following.—Argile, Præses; General; Eglinton; Cassills; Lauderdaill; Southesk; Callander; Balmerino; Burlie; Foster; Advocate; Wauchtun; Charles Areskine; Innes; Cambo; Kerse; Humby; Warestoun; Wedderburne; Sir Patrick Hamilton; Caprintoun; Balmaine; Sir John Smith; Johne Sempill; James Suord; Hugh Kennedy; John Kennedie; George Gardin; Nidrie. Edinburgh, 4th March 1643.

"Forsamekle as the Lords of his Majesties Privie Counsell of this kingdome, having according to the offer made in Parliament and particular treatie agreed upon with his Majestie and the Parliament of England sent over to Ireland the number of ten thousand men for the defence of the protestant religioun, his Majesties service and assistance of the kingdom of England in suppressing the popish rebells there, and having daylie advertisments of the great necessiteis and wants of the said Scotish armie in Ireland, als well officers as souldiours, who for want not onelie of their ordinar pay but even of victualls in the spairest measure and of cloaths and shooes ar redacted to that extremitie that their bodeis ar daylie decaying for want of necessarie sustenance to uphold nature and are not able to endure anie considerable time longer unles speedie and tymous remeid be not [*sic*] provided, the christian consideration quhairof not onelie belongs to his Majesties Privie Counsell in speciall but to the haill kingdom also in generall; and becaus the unhappie differences and distractions in England ar such that the Parliament of England (which is obliged be the said treatie and capitulation for the monethlie pay and Resolution to borrow £20,000 sterling for the maintenance of the army in Ireland.

Fol. 80, a.

interteanement of the said armie) cannot so tymelie and plentifullie provide victuall and moneyes for payment of their arreares or supplee them for their present maintenance, besides manie other inconveniences will arise if they be not tymelie suppleed with some money and victuall frome this kingdome, therefore the Lords of his Majesties's Privie Counsell, according to their bound duetie, with concurse and consent of the lords and others commissioners for conserving the peace and commissioners for the commoun burdens, and they for themselves having at length considdered on the best wayes and meanes for the borrowing of money and providing of victuall, cloaths and shooes to the said armie, have resolved and determined that there sall be presentlie borrowed for the use of the said armie the soume of tuentie thousand punds sterline and als much more or lesse as sall be voluntarlie offered betuix and the first day of May nixtocome be counsellers, commissioners of both commissions foresaids, and everie one of them who ar within this kingdome or be anie others well affected subjects and to be payed be them to William Thomson, generall receaver and commissar of the said armie, or to Johne Jossie, merchant in Edinburgh, his deput in his absence; upon the deliverie quhairof to the said William Thomson or his said deput, the ingiver of the money sall receave a note subscrivit be the said William or his said deput granting the recept of the same for the use foresaid, and obliging them to hold compt and deburse the said money as the saids Lords of Counsell or anie having warrant from them sall appoint for the use foresaid; the quhilk note being showin to the Counsell and registrat in their bookes for a charge upon the receavers the Lords of Counsell will give furth and grant ane act of Counsell declaring the samine to be lent for the use foresaid, and which act is heirby declared to be als valide as if the same wes done be the Counsell with consent of the *quorum* of both the saids commissioners. Lykeas the saids Lords of Privie Counsell, commissioners for conserving the peace and commissioners for the commoun burdens, doe heirby oblige them to caus the saids soumes so to be lent be thankfullie payed and delivered back agane to the saids persons their airs and assigneyes betuix the date heirof and the terme of Witsonday nixtocome in this instant yeer, 1643, together with the ordinar annual rent fra the date of lenning the same, so long as the haill or anie part thereof sall remaine unpayed. And incaise that money sall not come tymouslie from the Parliament of England to repay the saids soumes or anie part thereof so to be lent in due time, the saids Lords of Privie Counsell, with consent and concurse foresaid, declare that the same with annuell sall remaine as a publict debt due to the saids persons, lenners and advancers thereof, ay and quhilll the repayment of the same be the Parliament of England or be some other commoun course to be takin thereanent. Lykeas the Lords of Privie Counsell and the Lord Generall, with consent of the colonnells present and taking the burden on him for the said Scotish armie, doe heirby hypothecat and assigne for repayment of the moneyes to be lent, as said is, the first and

Acts, November 1641–October 1646. Fol. 80, a.

Fol. 80, b.

Acts, November 1641–October 1646. Fol. 80, b.

readiest of the soumes of money due or to be due to that armie be the Parliament of England, and ordains the same to be imployed proportionablie for that effect, and declares that it sall not be lawfull to the said commissarie or his deput to distribut anie of the saids moneyes without speciall warrant of the Counsell, but that he sall frome time to time, as he receaves anie moneyes due to that armie, send a note thereof under his hand to the Clerk of Counsell to be registrat in the books of Counsell that the advancers may know the proportion of their repayment and releeff. And the saids Lords of Counsell, with consent foresaid, doeth heirby desire everie one who will contribut their helpe and assistance to so good and charitable a work in so great a necessitie, that they would be pleased to len and advance such soumes of money as they sall think fitt, upon the like securitie and assurance to be givin them in

Fol. 81, a.

maner foresaid, and ordains thir presents to be registrat in the bookes of Counsell, commissioners for the peace and commissioners for the commoun burdens, and to have the strenth of ane act of the saids judicatoreis joyntlie or severallie, and declares that the double heirof, under the hand of the clerk of anie of the saids judicatoreis, sall be ane sufficient intimation to the severall shires and presbytereis to whom the same sall be presented."

John Jossie acknowledges his warrant for receiving money voluntarily contributed towards the maintenance of the army in Ireland.

"The quhilk day, in presence of the Lords of his Majesties Privie Counsell and commissioners for conserving the articles of the treatie and peace betuix the tuo kingdoms, and commissioners for the common burdens, being all solemnelie conveenned anent the supplee of the armie latelie sent from this kingdome to Ireland for suppressing the popish rebells there, compeired personallie Johne Jossie, merchant burges of Edinburgh, and acknowledged that he had warrant and deputation frome William Thomson, general receaver of the said army, to receave all moneyes in the said William his name for the use of the said armie, and to doe everie thing ellis concerning the said armie and provision thereof in absence of the said William Thomson conforme to the commissioun granted be the Lords of Privie Counsell and Lord Generall to the said William Thomson for that effect, and produced in presence of the saids Lords and commissioners certane instructions and warrants subscrivit be the said William Thomsone to the said John Jossie for that effect. Lykeas the said John Jossie acted and obliged himselfe to receave such moneyes as sall be lent and advanced for the present supplee of the foresaid army now in Ireland, and to give particular recepts to the persons advancers of the saids soumes, and to hold compt to the Lords of his Majesties Privie Counsell for what he sall receave for the foresaid use, and that he sall deburse and imploy the samine moneyes so to be receaved be him according as he sall receave order from the Lords of Privie Counsell or others having their power for that effect conforme to the general act this day past be the saids Lords of Privie Counsell and commissioners of both commissions foresaids. *Subscribitur.* Jo. Jossy."

Order for the payment of

Fol. 81, b.

"Forsamekle as Hugh Kennedie in Air hes presentlie undertane in

Hugh Kennedy in Ayr, who has undertaken to send 2000 pairs of shoes for the army in Ireland.

presence of the Counsell to furnish and send over for the use of the Scotish armie in Ireland the number of tua thousand paire of good and sufficient double soled shoes of ellevin, tuelffe or threttene inches betuix and the first of Junij nixt at the price of 24^{sh} the paire, therefore the saids Lords hes ordained William Thomsone or in his absence his deput to make payment to the said Hugh, or anie having his warrant, the price of such of the saids shoes as he sall transport to Ireland for the use foresaid, and to report a note under the hand of Johne Campbell of the recept thereof in Ireland, and that the same be payed at returne of the recept thereof in Ireland." Acta, November 1641–October 1646. Fol. 81, b.

Order to William Thomson, general-receiver, to pay the merchants who have furnished necessaries to the army in Ireland out of the first money he receives from the Parliament of England.

"The Lords of Privie Counsell ordains and commands William Thomsone to pay and deliver out of the first of the moneyes he hes or is to receave frome the Parliament of England due to the Scotish armie in Ireland these moneyes due to the merchants and others furnishers of victuall and herring to the armie, conforme to the precepts direct to him alreadie for that effect, the haill soumes not exceeding tuentie thousand punds sterline, and that notwithstanding of ane act this day made be the Counsell with consent of the commissioners for the peace and commoun burdens."

Commission for furnishing 1000 bolls of meal to the army in Ireland.

"The Lords of Privie Counsell gives commission to the Lord Generall, the Marquis of Argile, the Earle of Lauderdaill, the Lord Balmerino, the Justice Clerk, the Lord Humby, the Lairds of Innes and Nidrie, or anie three of them, to agree with merchants for furnishing ten thousand bolls of meale to the Scotish armie in Ireland at the best conditions they can, and to report to the Counsell on Thursday nixt."

Edinburgh, 4th March 1643.

[*Sederunt ut die predicto*, except the Lord Yester.]

Decreta, November 1641-October 1646. P. 228.

Complaint by John Cunningham, son of the deceased John Cunningham, late provost of Wigtown, against Marion Cunningham and others for forcibly ejecting him from his house in Wigtown, in which he was heritably infeft.

Complaint by Sir Thomas Hope, his Majesty's Advocate, and John Cunningham, son of the deceased John Cunningham, late provost of Wigton, as follows:—The bearing of hagbuts and pistols and convocation of the lieges is strictly prohibited by law, yet "it is of truthe that the said Johne Cuningham wes heretablie infeft be his umquhill father in his houses and tenements within Wigton, reserving his fathers lifetime, and als wes nominat executor be his said father who deceast upon the 20 day of December last; lykeas upon the morne thereafter the brether and sisters of the said umquhill Johne, being conveenned with others freinds, and speciallie with Robert Cunningham, brother to the defunct; Johne Cunningham, sone to the said Robert; Jonet Cunningham, daughter to the said Johne; Marion Cunningham, sister german to the defunct, and Andro Miller, her spous; who all met within the said duelling hous the said day, being the 21 of December, to take order with the houshold geir, where there wes ane inventar tane of the same perteaning to the defunct, and whereunto the compleanner had right as executor; quhilk inventar wes subscrivit be six of the freinds present, speciallie be Robert Miller, sone to the said Marion Cunningham. And

Decreta, November 1641–October 1646. P. 228.

upon the 22 day of the same moneth, the saids brether and sisters, being of new conveenned to consider of the legaceis left in the defuncts testament, the compleanner did instantlie make payment to them of their severall legaceis, viz., to everie one 400 merkes, whereupon he receaved their discharges, and speciallie fra the said Marion Cunningham and Andro Miller, her spous, not onelie of the saids legaceis but of all that they could crave of the defunct; and they dispouned to the said John all that they could crave be birthright, except a feather bed and a boll of beir yeerlie, quhilk is also left to them be testament. And immediatlie thereafter the saids brether and sisters returned to their awne houses and left the compleanner within the same, quhilk he peaceablie possest unquerrelled be Robert Miller or remanent defenders, with the haill goods and geir being within the same be the space of

P. 229.

fourteene dayes or thereabout, none being in the hous with him but Jonet Miller, who wes fied servant to the defunct at Martimes before his death, and remained with the compleaner as his servant thereafter. And in the moneth of Januar last the compleanner comming to Edinburgh for his necessarie affaires he left his said servant in the hall with the key of the hous, with the plenishing being therein, expecting no wrong to her in his absence, yitt, by his expectatioun, upon the 6, 7, and 9 dayes of Februarie, when the said compleanner wes in Edinburgh, the saids Andro Miller, Marion Cunningham, his spous, Robert Millar, in whois presence the inventar wes made, as said is, and to whom the compleanner made payment of the legaceis, he, accompanied with Patrik Hannay, baillie of Wigtoun, Johne Hannay, wright, Johne McGumpsie there, William Stuart, merchant, Alexander Herroun in Monygoiff, and Patrik Wilsone in Wigtoun, with diverse others, boddin with hacquebutts, pistolls and others forbiddin weapons, came to the compleanners said duelling hous, entered within the same, tooke the key thereof fra the said Jonet Millar, his servant, putt her furth of the hous, putt furth the fire, manned the hous, keepes the same with forbiddin weapons, seazed upon the haill goods and gear being therein with the compleanners writts, evidents, haill moneyes being in his coffers, almereis, chambers and others roumes in the hous, went to the merchant buiths perteaning to the compleanners tenement, filled the lockes thereof with stone and sand, went to the stables and byres of the said houses where the compleanner had ane din horse with ten nolt and ky with their calffes, and left the same when he came to Edinburgh, and wer foddered daylie with straw before his comming and after be the said Jonet Millar, his servant, putt furth the goods out of the stables and byres, held them furth, tooke the keyes from the said servant, entered therein with their owne hors and goods, quhilks they yitt keepe, and the compleanners goods hes ever since lyen in the streit night and day without care or fodder; the hors is dead and the nolt like to perish. Of which oppressions the compleanner being informed he came to Wigton, which being notified to the persons foresaids they sent for poulder and bullett and vowed if he sould

approache they would shoot him with their bulletts; and to terrifie him to come neir, upon the tenth and eleventh of Februar, when the compleanner came to toun about the gloming and midnight, they shott diverse shotts of gunnes and pistolls out of the hous, quhilk they yitt deteane." Charge having been given to the said Marion Cuningham, Andrew Miller, her spouse, Robert Miller, his son, and Patrik Hannay, and the pursuers and defenders, except the said Marion, compearing, the Lords, after hearing parties and witnesses and taking the oaths of the defenders as to the firearms, assoilzie the latter. They denied having firearms, except that Patrik Hannay, finding a loaded pistol in the house, fired the same against the wall about midnight. The Lords refer the question of possession, involving those of intrusion, ejection and spulzie, if any be, to the judge ordinary, and ordain the pursuer to pay 20 merks to each witness being a horseman, and 12 merks to each footman. Decreta, November 1641-October 1646. P. 230. P. 231.

Complaint by John Forbes of Balnagask against David Barclay of Mathers for contempt of horning.

Complaint by John Forbes of Balnagask, as follows:—On 29th November and 1st December, 1634, David Barclay of Mathers was put to the horn for non-payment of a debt of 1000 merks of principal with due interest and 300 merks of expenses, but takes no heed thereto. He craves letter of treason against him. The pursuer compearing by Thomas Forbes, his procurator, but not the defender, the Lords ordain the latter to be charged to render his houses and enter his person within ward in the castle of Blacknes within fifteen days on pain of treason.

Act of public security.

"Ane act of publict suretie past be the three judicatories of Counsell, commissioners of peace, and burdens. Sederunts, February 1635-November 1643. Fol. 105, b.

Edinburgh, 8th March 1643.

Sederunt:—Argile; Glencarne; Cassills; Murrey; Lauderdaill; Dalhousie; Balmerino; Burlie; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Innes. Acta, November 1641-October 1646. Fol. 82, a.

Commission to consult with the Town Council of Edinburgh anent supplies to the army in Ireland.

"The Lords of Secret Counsell recommends to Archibald, Marquis of Argile, Johne, Earle of Cassills, Johne, Earle of Lauderdaill, Robert, Lord Burlie, and Sir Robert Innes of that ilk, or anie tua of them, with such of the commoun burdens as they can get, to repaire to the Toun Counsell of Edinburgh and deale for their concurrence to the supplee of Ireland."

Missives for the supply of the army in Ireland.

"The Lords of Privie Counsell gives warrant to the President of the Counsell, or anie tua or more of the Counsell, to subscribe the missives direct for the supplee of Ireland."

Act touching the supply of the army in Ireland to be printed.

"The Lords of Secreit Counsell ordains the act of the 4th of Marche instant tuiching the supplee for Ireland to be printed, and that the Clerk of Counsell give warrant to the printer for that effect."

Edinburgh, 9th March [1643].

[*Sederunt ut die prædicto.*]

Acknowledgment of the sum of £2400

"Forsamekle as Sir Thomas Hope of Craighall, his Majesties Advocat, hes payed and delivered in reall money to Johne Jossie, deput to

Acta, November 1641–October 1646. Fol. 82, a.

William Thomson, commissar of the Scotish armie in Ireland, the soume of tua thousand and foure hundreth punds Scotish, as hes cleerelie appeared to the Lords of his Majesties Privie Counsell by the discharge upon the recept theirof granted be the said Johne Jossie and this day produced in Counsell, of the date the sixth of Marche instant, therefore the Lords of his Majesties Privie Counsell, according to ane act made be them with consent of the commissioners for the peace and commoun burdens upon the fourth of Marche instant, doe declare the said soume of 2400lb Scotish money to be lent be the said Sir Thomas Hope for the present supplee of victuall and cloths for the Scotish armie in Ireland, and that the same sall be payed to him, his airis, executors and assigneyes conforme to the said act abonewrittin." Scots paid by Sir Thomas Hope, Lord Advocate, for the maintenance of the army in Ireland.

Fol. 82, b.

"The like act past to the Marquis of Argile upon Johne Jossie his recept of the soume of 12000lb., dated the 8 of Marche instant, and to Sir Adam Hepburne of Humbie for himselfe upon Johne Josseis recept of the soume of 2400lb., dated the 7 of Marche, and to the Earle of Lindsey for the soume of 6000lb delivered to the said Johne Jossie be Sir Adame Hepburne conforme to his recept of the said date, and to Johne, Erle of Lauderdaill, for the like soume upon his recept of the said date, and to William, Erle of Lothian, for the like soume delivered to the Lord Balmerinocht in his name conforme to the recept of the same date, and to the said Lord Balmerinocht for the like soume upon recept of the said date, and to Johne, Earle of Cassills, of the like soume upon recept of the same date, and to Sir Archibald Johnstoun upon recept of 2400lb of the same date, and to James Suord in St Andrewes upon recept of 600lb of the same date." Acknowledgment of sums contributed by the Marquis of Argyle and others towards the same object.

"The Lords of Secret Counsell recommends and therewithall gives commissioun to Alexander, Earle of Leven, Lord Generall, Archibald, Marquis of Argile, Alexander, Earle of Eglintoun, William, Earle of Glencarne, Johne, Earle of Cassills, Johne, Earle of Lauderdaill. Johne, Lord Balmerinocht, Robert, Lord Burlie, and Alexander Hamilton, Generall of the Artillerie, or anie fyve of thame, to agree with merchants and others for furnishing of meale for the use of the armie in Ireland at the best condition they can, the haill proportion of meale not exceeding ten thousand bolls, and also to agree for furnishing of such proportion of clothes and shooes as they sall think fitting, and ordains William Thomson or Johne Jossie, his deput, to answer and give out such moneyes for payment thereof or for furnishing the officers and souldiours of the armie proportionablie, as the saids commissioners or anie fyve of them sall frome time to time give warrant." Commission to treat with merchants for the supply of meal, clothes, and shoes to the army in Ireland.

"The Lords of Secret Counsell ordains and commands the provest and bailleis of Edinburgh to transport George, Lord Bamf, from the tolbuith of Edinburgh, quhairin he is now prissouner, and to deliver him to the captane or constable of Edinburgh whom the Lords ordains to receave him aff the bailleis hands and keepe him prissouner within the Castell of Edinburgh untill be warrant from the Counsell he be releeved, Charge to the magistrates of Edinburgh to remove Lord Banff from their tolbooth and to deliver him to the captain of the castle.

whereanent thir presents sall be to the saids bailleis and keepers of the Castell of Edinburgh sufficient warrant." Acta, November 1641–October 1646. Fol. 82, b.

"The like for Johne Lyon of Muresk."

[Sederunt as recorded above.]

Decreta, November 1641–October 1646. P. 232.

Edinburgh, 9th March 1643.

Complaint by James, Earl of Findlater, against George, Lord Banff, and George, Master of Banff, for assault on the servant of the complainer's falconer, and for slaying a hawk.

Complaint by James, Earl of Finlatter, Thomas Black, his falconer, Alexander Anderson, his servant, and Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, as follows:—On December last the said Thomas Black went out of the said Earl's "place of Cullen airlie in the morning with three hawkes, one being a falcoun, whilk he caried on his owne hand, and the other tua caried be the said servant, whereof the one wes a falcoun and the other a tessel of falcoun, and they being both on thair foot in the feilds about five or six myles from the place of Cullen seeking occasion of hounding the hawkes about tuo houres in the afternoone they came toward the burne of Rattie, where finding the occasion of flying upon some tells the said Thomas did louse his falcon to flee upon the said tells; and George, Lord Bamff, perceaving him and his servant serving the hawks at the said burn, called for George, Maister of Bamf, his sone, and some servants to come out of the place of Rattie, where he wes for the time, being distant from Rattiburne be the space of a quarter of a myle or thereabout, and being accompanied with their complices to the number of ten or tuelffe persons, having long gwnnes and pistolls prohibit to be worne be the lawes and acts of Parliament, came doun to the said falcouner and his said P. 223. servant where the hawkes wes flying, and how soone they perceaved the said Thomas Black to be falcouner to the said Earle of Finlatter, James Gordoun, Angus Bayne and other domestick servants to the said Lord Banff, came to the said Alexander Andersone at the side of the burne neerest the hous, he having one of the saids falcouns and tessel upon his hand, patt violent hands in his person, threw him to the ground and pulled the hawke wallet over his head, buffetted him, threw the hawkes aff his hand and barbarouslie birsed them; and when as the said Maister of Bamff perceaved the hawk quhilk wes hounded to light and sitt doun upon that same side of the burne he bended his pistoll and shott the hawk deid. And the said Thomas Black, being upon the other side of the burne, and perceaving his servant thus abused, he came to the said Lord Bamff and compleanned of the wrongs done to his servant and hawkes, who answered, 'You may be glad to be gone so easilie. Goe home and take your dead hawke to be Yuill meat to your lord and ladie, and tell your maister that he is not crownner now of the shyre.' The barbaritie of this inhuman fact is such as the like hes never been done in mans remembrance to anie nobleman or gentleman in the countrie, and is so much the more odious as the said Erle wes in the moneth of November, 1641, reconciled before the Lords of Privie Counsell with the said Lord Bamff, and did shaike hands with him in thair presence; and since that

Decreta, November 1641–October 1646. P. 233.

time nather the said Earle, nor anie having dependence upon him, hes givin occasion of dislyke or discontent to the said Lord Bamff. This fact, as it is a great crueltie aganis foulls of sport, so is it is ane high despite aganis the said Earle, being ane nobleman and counseller, to whom they belong; and howsoever be the lawes and acts of Parliament

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the crime is capitall and punishable be the losse of the moveables and amputation of the right hand and so might be pursued criminallie before the Justice, yitt becaus it hes pleased his Majestie and Estats of Parliament to make choise of the said Earle to be one of the Privie Counsell, he is therefore moved to have recourse to them, being confident to find justice in such a way as the said Earle may be repaired in his honnour and by condigne punishment others may be terrified from such barbarous affronts aganis noblemen and counsellers in time coming." Charge having been given to the said Lord and Master of Bamff and to James Gordon and Angus Bayne, and they and the pur-

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suers all compearing, the Lords, after hearing parties and thair witnesses, assoilzie Lord Bamff and the other defenders from the charge of a riot, but find that the Master of Bamff had pistols, and they remit him to the commissioners of the Treasury for the same. They ordain the Earl of Finlater to pay the witnesses, £12 to every horseman and £8 to every footman; and that he and Lord Bamff find caution each in 10,000 merks for keeping the peace.

Lord Banff warded in the Castle of Edinburgh for intimidating a witness in the above case.

"Forsamekle as James, Earle of Finlatter, and George, Lord Bamff, being inhibit and discharged be ane maisser (having warrant from the president of Counsell for that effect) to meit with or speeke to these persons who wer charged to appeare before the Counsell as witnesses in the caus persewed at the instance of the Earle of Finlatter" and others in the above case "untill first they wer examined and sould have given thair depositions thairanent, and the Lords of Privie Counsell understanding be the declaration of the said Lord Bamff and Johne Lyoun of Muresk respective that the said Johne Lyoun had be the knowledge and assent of the Lord Bamff after the discharge foresaid and before the dyet appointed for the judiciall appearance of the witnesses dealt for and procured from Johne Ogilvie, one of the saids witnesses, a declaration

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under his hand and oath bearing that he did not see no wrong done be the Lord nor Master of Bamff to the Erle of Finlaters servants or hawkes at the time libelled in the summounds, and that the said Johne Lyon said to the said Johne Ogilvie that if he refused to subscribe the said declaration (quhilk severall times he had acknowledged to him to be true) he might expect no good that the Lord Bamf could doe to him, and whilk declaration wes produced in Counsell be the Lord Bamf," the Lords find that this carriage has not been fair nor answerable to the inhibition, and therefore ordain both Lord Bamff and John Lyon to be committed to prison within the tolbooth of Edinburgh, and that thereafter they be carried to the Castle of Edinburgh and remain there upon their own expenses until they are released by the Council.

Complaint by James Wright of Gladswood against Andrew Ker of Lintoun for contempt of horning.

Complaint by James Wright of Glaidswod, as follows:—On 15th July, 1634, Andrew Ker of Lintoun was put to the horn for the non-payment of 2500 merks of debt to the complainer with due interest and expenses, but this proceedure "he doeth so vilifie and slight by the power and freindship quhilk he hes in the countrie that the compleanner is altogether frustrat of the course of justice." The pursuer compearing but not the defender, the Lords ordain the latter to be charged to render his houses, and enter himself in ward within the Castle of Blacknes within ten days under the pain of treason. Decreta, November 1641-October 1646. P. 236. P. 237.

Edinburgh, 29th March 1643.

Sederunt:—Argile, Preses; Leven; Eglinton; Cassills; Lauderdaill; Dalhousie; Balmerino; ClerkRegister; Justice Clerk; Treasurer Depute; Wauchtun; Dundas; Cambo. Acta, November 1641-October 1646. Fol. 83, a.

Letters of horning against excommunicated persons.

"The Lords of Secreit Counsell ordains the Clerk of Counsell to give out letters of horning, captioun and intercommouning aganis all such excommunicat persons as sall be givin in roll to him to the Lord Advocat under his hand or be the presbytereis."

Charge for the conveyance of John Robertson, seminary priest, now in the tolbooth of Banff, to the tolbooth of Edinburgh.

"Forsamekle as Johne Robertson, seminarie preist, being apprehended be Sir Alexander Abircrombie of Birkinboig and committed to the tolbuith of Bamff, thereafter examined be the presbyterie of Bamff and his depositions reported to the Counsell, who have ordained him to be convoyed to Edinburgh and entered in the tolbuith there under the conduct of certane persons to be appointed be the magistrats of Bamff upon publict allowance, who ar to be assisted in the transporting the said priest be the shireffs of the severall shires respective, and to have a care that none have intelligence nor correspondence with him be the way, therefore ordains letters to be direct charging the shireff of Bamff and his deputs to assist the persons foresaids entrusted with the transport of the said priest and to convoy him to the shireff of Aberdene or his deputs within 24 houres after the charge; and that the saids shireff of Aberdene or his deputs doe the like and assist his convoy to the shireff of Kincardin or his deputs within the like space; and that they make the like assistance to the shireff of Forfar or his deputs within the said space; and that the said shireff of Forfar and his deputs assist the saids persons entrusted, as said is, and convoy them within the like space to the provest and bailleis of Dundie, who ar within the same space to assist their transport to the shireff of Fyffe or his deputs, or to the provest and bailleis of Coupar, who ar to make the like assistance and transport to the bailleis of Kingorne or Bruntilland within the same space and from thence be the saids bailleis of Leith or Edinburgh within the like space; commanding heirby the saids bailleis to receave and commit the said preist within ane houre after the charge, and that none of the saids magistrats failie in this service, under the pane of rebellion, etc.; and, if they failie, the spaces respective foresaids being past, to denunce, etc."

Acta, November 1641–October 1646. Fol. 83, b.

Directions anent the impressing of vagabonds for service in the regiment of the Earl of Irvine.

"The Lords of Secreit Counsell, having tane to their consideration the act of Counsell made anent the apprehending of vagabounds for the use of the Earle of Irwings regiment and the forme and maner how the saids vagabounds sall be made knowne to be of that qualitie, the saids Lords, for preveening all mistakes or prejudice [that] may arise in the giving up of persons of this kynd, declares that none sall be reput of the qualitie foresaid or apprehended as such but these who sall be givin up be the minister and kirk sessioun sitting in sessioun or be the magistrats of burrowes sitting in judgement within thair severall bounds and no otherwayes."

Charge to magistrates of burghs to receive into their prisons all excommunicated papists who shall be presented to them.

"Forsamekle as in the commissions granted be the Lords of his Majesties Privie Counsell for apprehension of jesuits, seminarie and messe preests and excommunicat rebellious papists and committing them to waird it is not cleerlie condescended where and be quhom they sall be receaved in prissoun, quhilk may prove prejudiciall to this important service, therefore the saids Lords of Privie Counsell declares that it sall be lawfull to the saids commissioners or anie one of them entrusted with the service to committ all persons of the qualitie foresaid to be apprehended be them within the narrest jayles to the bounds where they sall be apprehended; and for this effect ordains letters to be direct charging all magistrats of burrowes to receave within their jayles all such persons of the qualitie foresaid to be presented be anie of the saids commissioners to them or anie of them and to deteane them therein till they receave farther directioun from his Majesties Counsell concerning them, as the saids magistrats will answer upon the contrare at their highest charge and perrell."

Acknowledgment of sums lent by Alexander, Earl of Eglinton, and others for the maintenance of the army in Ireland.

"Forsamekle as Alexander, Earle of Eglintoun, hes payed and delivered in reall money to Johne Jossie, deput to William Thomson, Commissar of the Scotish armie in Ireland, the soume of six thousand punds, as hes cleerlie appeared to the Lords of his Majesties Privie Counsell be the discharge upon the recept thereof granted be the said Johne Jossie, of the date the tenth day of Marche instant, and this day presented in Counsell, therefore the saids Lords of his Majesties Privie
Fol. 84, a. Counsell, according to ane act made be them with consent of the Commissioners for the Peace and Commoun Burdens upon the fourth of Marche instant, doe declare that the said soume of six thousand punds is lent be the said Earle of Eglintoun for the present supplee of victuall and cloaths for the Scots armie in Ireland, and that the same sall be repayed to him, his airs, executors and assigneyes, conforme to the said act abonewrittin. The like act upon Johne Josseis recept of 1200lb from Sir Patrick Hamilton of Little Prestoun, dated the 8 of Marche instant; and upon Sir David Hum of Wedderburns recept of the like soume, dated 18 Marche; and upon the recept of 1000 merkes from Mr Robert Douglas of the 25 of this instant; and upon the recept of the like soume from Mr Robert Nicolson, commissioner, of 27 Martij; and upon the recept of 2400lb from the Justice Clerk, 28

Martij; and upon the recept of 1000lb from David McCullo of Gutters, 28 Martij; and upon the recept of 2400lb from the Treasurer Deput, 24 Martij; and upon the recept of 6000lb from the Lord Generall, 13 Martij." Acta, November 1641–October 1646. Fol. 84, a.

Edinburgh, 29th March 1643.

[Sederunt as recorded above, omitting Cambo and adding the Advocate.] Decreta, November 1641–October 1646. P. 237.

Complaint by James Speir, merchant, for illegal warding in the tolbooth of Edinburgh.

Complaint by James Speir, merchant, as follows:—About a month since, when he was in the house of George Moresone, burgess of Edinburgh, receiving silver, some people whom he knew not came in upon him and dangerously wounded him on the head, of which the watch getting notice they came and rescued him, and for his security put him in the tolbooth where he has been detained ever since. The provost and bailies refuse to liberate him without a warrant. Charge having been given to John Kniblo, one of the bailies of Edinburgh, and the pursuer compearing personally along with Captain James McMath, who alleged that "the pursuer wes tane be him [being a vagabound][1] for the Erle of Irwing's service, as appeared by the testimoniall of James Bell, baillie of Glasgow, quhilk he produced," the Lords find that the said Captain had no power to apprehend the pursuer and command the provost and bailies of Edinburgh to liberate him in so far as he is warded for the above cause. P. 238.

Charge to the magistrates of Edinburgh to free James Scot from ward in the tolbooth of Edinburgh.

The Lords having heard James Scot, lawful son of Robert Scot of Well, prisoner in the tolbooth of Edinburgh at the instance of David Brown, saddler there, and also the said David thereupon, with the latters consent ordain the provost and bailies of Edinburgh to put James Scot to liberty in so far as he is warded at the instance of the said David Brown.

Complaint by George Sibbald, advocate, against David Bennet, notary in Kirkaldy, and Edward Bennet, his son, for assault.

Complaint by George Sibbald, advocate before the Lords of Session, as follows:—David Bennet, notary in Kirkaldie, and Edward Bennet, his son, have conceived a deadly malice against him, "becaus, being advocat and pensioner to the toun of Kirkaldie, he did compeir for them before the Lords of Privie Counsell in a late pursute moved be the said David aganis the speciall persons in that toun," and the said Edward resolving "to execut this his malice in a craftie way," came on 7th instant to the complainer "upon the Hie Streit of Kirkaldie beside his owne yett, and before Johne Hog, baillie, desired the compleanner with insinuating discourses to goe drink with him, whereunto after some refusall he yeelded. And, being in freindlie maner in the hous of Alexander Law, the said Eduard began to vent his resolutioun and demanded how the compleanner durst, being a penman, compeir aganis his father, being another. Which threatning the compleanner past with a modest answer and come home to his owne hous with the said Eduard, expecting no farther. But when he was going up his turnpyck and a boy carying a lantern before him, the said Eduard treacherouslie came

[1] The words within brackets are scored through.

Decreta, November 1641–October 1646. P. 239.

behind his back, tooke him be the neck, birsed him to the turnpyck, wrested his arme, disjoynted his thoumb, and gave him diverse others strokes to the effusion of his blood; and upon the morne vaunted thereof, saying—'Thir tua hands hes givin the toun of Kirkaldeis advocat for his panes halfe a dosoun of nevvells, and if they wer not weill layed on devill cutt aff my hands.' Quhilk is a proud contempt and may prove of dangerous consequence to all advocats if the same be not exemplarlie punished." The pursuer compearing personally, but not the defender, the Lords ordain the latter to be put to the horn and escheated.

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Complaint by Sir Thomas Hope of Craighall against John Tunter and others for the slaying of wild birds.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and William and Patrick Hume, falconers, his informers, as follows:—Although the bearing of hagbuts and pistols, shooting therewith and killing of fowls with nets and guns is strictly prohibited by law, yet John Tunter, Thomas Gyller in Stanypeth, Robert Broun in Hailles, Cuthbert and John Tunter in Gordoun, Robert Tunter at Gordon Milne, Robert Bredie at Thirlestane-Milne, William Graham in Dunce, James Young in Cokburnside, Daniel Dicksoun in Wodheid, William Greinside and William Tait in Wester Fala, have for several years past, but especially during the months of this last year, slain great numbers of fowls of all sorts within the bounds where they dwell and thereabout with guns, girns and nets, and do daily make such destruction of fowls of all kinds that they are like to leave none, to the great prejudice of the country and contempt of the law. Parties being charged, the Advocate and Patrick Home compeared as pursuers, and Daniel Dicksoun compeared by William, Earl of Dalhousie, who undertook to exhibit him on 1st June next. But the remaining defenders,

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of whom none compeared, the Lords ordain to be put to the horn and escheated,

Supplication by George, Lord Banff, that he may be liberated from the Castle of Edinburgh.—Granted.

See *ante*, p. 414.

Supplication by George, Lord Bamf, as follows:—Their Lordships are aware that he has been confined within the burgh of Edinburgh since February until the 9th of March, and that thereafter he and John Lyon of Muresk, his son-in-law, were made prisoners in the tolbooth and Castle of Edinburgh, to the great prejudice of their affairs and suffering otherwise. They crave that they may be put to liberty. The Lords consent hereto, and give order to the captain, constable and keepers of the Castle of Edinburgh accordingly, because Robert Irwing of Fedderat has become cautioner for the said lord that before 1st June next he will report a bond marked by the Clerk of Council and subscribed by the Lord Ogilvie as cautioner for him of the tenor of the Earl of Finlater's bond, and that until then he will keep the peace with the said Earl under a penalty of 10,000 merks. They further ordain the said Lord to find lawburrows to Patrick Gellie under the penalty of £1000, and that he be cautioner for his son, the Master of Bamff, that he will keep the peace with the said Earl under the penalty of 10,000 merks.

Edinburgh, 29th March 1643.

Sederunts, February 1635–November 1643. Fol. 106, a.

Justice-courts at Jedburgh and Dumfries.

See *ante*, p. 369.

"Act approveing the Lord Justice proceedings at the Justice Courts in Jedburgh and Dumfreis."

[*Sederunt ut die prædicto, unacum* Cambo.]

Decreta, November 1641–October 1646. P. 242.

Edinburgh 30th March 1643. Letter from the State of Hamburgh anent letters of reprisal against the said State by his Majesty and the late Parliament.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Mr Robert Burnet, advocat, and produced and exhibit before the saids Lords the missive letter underwrittin direct from the State of Hamburgh tuiching the delay for six moneths of the letters of reprisall granted be the Kings Majestie and Estats of the late Parliament aganis the said State of Hamburgh, of the quhilk missive the tenor followes:— Serenissimæ regiæ Majestatis sanctioris in regno Scotiæ consilij illustrissimi, generosissimi, magnifici, nobilissimi, et amplissimi Domini, Proceres, Domini gratiosi, et amici plurimum honorandi, Posteaquam et per aliquoties repetitas literas nostras et per nostrum in Magnæ Britanniæ regna legatum, senatorii ordinis virum prudentissimum et consultissimum, Dominum Petrum Lutkins I.V.L., non tantum regiæ Majestati verum vestris quoque Excellentiis, generositatibus et amplitudinibus, abunde satis demonstravimus repræsalias nobis non ita pridem in causa hæredum Davidis Robertsone et consortium actorum contra Alexandrum Lonquen et Michaelem Utenholten reos comminatas sub-et obreptitie impetratas, adeoque iniquissimas locum haud invenire posse, exinde firmiter speravimus fore ut sicuti regia Majestas, detecta jam rei veritate, nostram in hoc processu innocentiam et legitime a nobis administratam justitiam in regiis suis ad vos Nottingamo, 24 Augusti anni proxime elapsi, perscriptis literis publice attestata est, ita et vos quoque dictas repræsalias, destructo jam omni earum fundamento, revocaretis et annullaretis. Ast quia ex dicti legati nostri relatione percepimus id quamvis multoties instantissime a vobis nostro nomine Edinburgi petiverit, precesque suas æquissimas validissimis et irrefutabilibus rationibus fulciverit, impetrari tamen hactenus præter omnem spem atque expectationem non potuisse, sed vestras excellentias, generositates et amplitudines ea spe fretas, quod durante hoc tempore aliqua inibitur ratio qua prænominatis actoribus satisfiat, eos induxisse ut consentirent executionem prætensarum repræsaliarum in sex menses differendam; nos quidem in omnem eventum P. 243. omnia nostra jura salva integra et illæsa nobis et reipublicæ nostræ reservamus; interim ne quidquam a nobis quod nostrarum sit partium desiderari possit, idem id quod præfatus noster legatus pollicitus est repromittimus; nos scilicet omnes adhibituros conatus ut lis hæc Hamburgi inter actorum mandatarium, qui pleno omnium consortium mandato instructus sit, vel per justam et subitam sententiam finiatur, vel per æquam et tolerabilem transactionem componatur. Omnino etiam confidimus vestras excellentias, generositates et amplitudines inducturas actores ut sibi vigilent et in tempore hic per plenipotentiarium suum vel causam suam peragant, vel æquis et tolerabilibus conditionibus cum reis transigant, neque statutum sex mensium terminum nihil agendo denuo elabi patiantur. Secus si fiet, id non nobis sed ipsis actoribus imputandum esse omnes ratione recta præditi neque animi sui affectibus indulgentes judicabunt, uti et vestras quoque excel-

Decreta, November 1641–October 1646. P. 243.

lentias, generositates et amplitudines ita existimaturas nobisque literarium quoddam rescriptum transmissuras nullatenus dubitamus, illas divinæ protectioni, nos vero nostramque rempublicam illarum gratiæ favori et æquabilitati studiose recommendantes. Dabantur sub nostræ civitatis Hamburgi sigillo, 6 Februarij anno 1643. Illustrissimarum vestrarum excellentiarum generositatum et amplitudinum observantissimi atque studiosissimi consules et senatores reipublicæ Hamburgensis. Quhilk missive being read, heard and considdered be the saids Lords, they declare that they can give no answer thereto in respect the six moneths time expires the morne."

Supplication by John Forbes of Leslie and William Forbes, fiar thereof, as follows :—The Clan Gregour lately came to their lands of Duncanston and carried away James Andersone, their tenant, whereupon the supplicants and their friends followed them, and, overtaking them at the Cabrach, recovered their tenant, but in doing so killed one of the broken men and took another prisoner, whom they have brought to Edinburgh. They crave that the Lords would approve this their service and take some course for securing the supplicants against the invasions of these broken men. The Lords, after reading the confession of Duncan McGregour, the prisoner above mentioned entered by the supplicants within the tolbooth of Edinburgh, remit the said Duncan to his Majesty's Justice to be punished; and also grant commission to the sheriff of by examination of witnesses and otherwise "to try the condition and life of the partie killed and report to the Council."

Supplication by John Forbes of Leslie and William Forbes, fiar thereof, for approval of their action against the Clan Gregor.

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Sederunts, February 1635–November 1643. Fol. 106, a.

"A letter from the Councel to the Earle of Louthian."

Letter to the Earl of Lothian.

"The quhilk day the Lord Balmerino desyred in presence of the Councel and accordinglie had delyvered to him the principall comission and instructions given to the Earle of Louthian, [for] quhilk he promised to be ansuerable."

Lord Balmerino.

Acta, November 1641–October 1646. Fol. 84, a.

Sederunt:—Argile, Præses; Leven; Eglinton; Cassills; Lauderdaill; Balmerino; Advocate; Wauchtun; Cambo; Dundas.

Edinburgh, 31st March 1643.

"The Lords of Privie Counsell, at the desire of the commissioners for conserving the peace, ordains the tua letters written to his Majestie frome them of the 22 and 24 of Januar, whereby they concurred and recommended to his Majestie the desires of the commissioners for the Kirk and peace, to be printed with the proceedings of the saids commissioners."

Order for the printing of two letters addressed to his Majesty.

"The Lords of Privie Counsell gives warrant to such Counsellers as ar in toun to direct missives to the shireffs to conveene the barons to len money for supplee of the armie in Ireland, and appoints the nixt meeting of Counsell to be upon the first of Junij nixt; and, if anie occasion occurre sooner, with power to the Earle of Lauderdaill or Lord Balmerino to give advertisment thereof to the rest."

Money for the army in Ireland, and the next meeting of Council.

Acknowledgment of the sum of £6000 lent by the Earl of Loudoun for the army in Ireland.

"Forsamekle as Dame Margaret Campbell, Countesse of Loudoun, in name of the Lord Chanceller, her husband, hes payed and delivered in reall money to Johne Jossie, deput to William Thomson, Commissar of the Scotish armie in Ireland, the soume of six thousand punds, as hes cleerlie appeared to the Lords of his Majesties Privie Counsell be the discharge upon the recept of the said soume granted be the said Johne Jossie, of the date the tenth of Marche instant, and this day presented in Counsell, therefore the saids Lords of his Majesties Privie Counsell, according to ane act made be them with consent of the Commissioners for the Peace and Commoun Burdens upon the 4th of Marche instant, doe declare that the said soume of six thousand punds is lent be the said Lord Chanceller for the present supplee of victuall and cloths for the Scotish armie in Ireland, and that the same sall be repayed to him, his airs, executors and assigneyes conforme to the said act abonewrittin." Acta, November 1641-October 1646. Fol. 84, b.

Similar acknowledgment to John Meyn, merchant burgess in Edinburgh.

Similar acknowledgments.

"The like act upon the recept of 600lb from Johne Meyn, merchant burges of Edinburgh, 29 Martij; and upon the recept of 200 merkes from Andro Law, merchant, 27 Martij; and upon the recept of 1200lb from Mr Samuel Johnston of Currihill, 11th Martij; and upon the recept of 1000 merkes from Eduard Littill, 29 Martij; and upon the recept of 1000 merks from Mr George Gillespie, 25 Martij; and upon the recept of 6000lb from the Lairds of Wauchton, Innes and Cambo, dated the tenth of Marche."

Edinburgh, 31st March 1643.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 244.

Complaint by George Buchanan, apparent of that Ilk, against Mr. William Cunningham of Broomhill for illegal detention in the tolbooth of Edinburgh.

Complaint by George Buchanan, apparent of that Ilk, as follows:—He was lately apprehended and imprisoned in the tolbooth of Edinburgh for some debts, and he suspended the hornings and expected to be released, but he finds that he has been arrested by Mr. William Cunningham of Broomhill upon a horning "clandestinelie execut aganis him in *anno* 1639" for not entering in ward within this tolbooth till order should be taken with him for bearing pistols, convocating the lieges and oppressing the said Mr. William and his tenants "in the possession of the lands of Cramminen, wrongouslie pretending the same to perteane to him, and he hes tane advantage of this horning and caption raised thereupon when he found the compleanners back at the wall; howbeit since the date of the horning he has often pursued the compleanner before the Counsell, and much hearing hes beene in alleged contraventions upon the same and the like grounds and sentence givin and the execution thereof superseeded till their rights sould be discust before the judge ordinar." His intention is only "to dwang the compleanner by long imprisonment, quhilk he hopes is not the Counsells mynd," seeing he has found caution in £2000 to appear on the 29th instant and underlie their pleasure in this matter, as well as to pay 100 merks for his escheat if he be found liable thereto. The suspender compearing personally and also the charger, who produced the horning complained of, the Lords, after hear- P. 245.

Decreta, November 1641–October 1646. P. 245.

ing parties, defer pronouncing sentence in the matter until "the right of the lands of Cramminen and others contraverted be discust before the judge ordinar." Till then they suspend the letters of horning and caption thereupon.

Sederunta, February 1635-November 1643. Fol. 106, a.

"Appoynts the next meiting on the 1 of June and, if anie occasion occurre sooner, with power to the Earle of Lauderdail and Balmerino to give advertisement thereof to the rest." Next meeting of Council.

Acta, November 1641–October 1646 Fol. 84, b.

Sederunt:—Chancellor; General; Hamilton; Argile; Glencarne; Cassills; Dumfermlin; Lauderdaill; Southesk; Dalhousie; Callander; Balmerino; Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtun; Cambo. Edinburgh, 10th May 1643.

"The Lords of Privie Counsell gives commission and warrant be thir presents to Archibald, Marquis of Argile, to agree with such persons as he can most commodiouslie for the transport of 1000 bolls of meale by the west sea to Ireland for supplee of the Scotish armie there; and ordains John Jossie to furnish and advance such soumes of money for this effect as the said Marquis sall give warrant, and that out of the first and readiest of the moneyes being in his hand. Transport of 1000 bolls of meal to the Scottish army in Ireland.

Fol. 85, a.

"The Lords of Secreit Counsell, having heard the report made be James, Earle of Calander, tuiching his apprehending of one Johne Rylie, suspect and delate guiltie of the forcing of Margaret Rankene, daughter to Robert Rankene, they allow the said Earle his behaviour heerin, and ordains him to transport him to the tolbuith of Edinburgh to remaine therein till he be persewed for the said crime before his Majesties Justice be the partie, whom the Lords ordains to intent the said processe and prosecut the same with diligence conform to the caution found be them to the said Earle of Calander." Approval of the apprehension of John Rylie by the Earl of Callander.

"Forsamekle as Sir Johne Wauchop of Nidrie hes payed and delivered in reall money to Johne Jossie, deput to William Thomsone, Commissar of the Scotish armie in Ireland, the soume of 2000 merkes, as hes cleerlie appeared to the Lords of his Majesties Privy Counsell be the discharge upon the recept of the said soume granted be the said Johne Jossie, of the date the sixt of Aprile last, and this day presented in Counsell, therefore the saids Lords of his Majesties Privie Counsell, according to ane act made be them with consent of the Commissioners for the Peace and Commoun Burdens upon the fourth of Marche last, doe declare that the said soume of 2000 merks is lent be the said Sir Johne for the present supplee of victuall and cloths for the Scotish armie in Ireland, and that the same sall be repayed to him, his airs, executors and assigneyes conforme to the said act abonewritten. The like acts upon the recept of 200lb frome Thomas Young, merchant in Edinburgh, of the 6 of Aprile last; and upon the recept of 1200lb from Sir Charles Areskin, of the 6 of March; and upon the recept of 6000lb from the Earle of Murrey, of the 4 of Aprile; and upon the recept of 200 Acknowledgment of sums of money lent for the maintenance of the Scottish army in Ireland.

merkes from James Monteth, pouterer, of 28 Aprilis; and upon the recept of 1000 merkes from Mr A. Ramsay, of 29 March; and upon the recept of 1000 merkes from Sir Thomas Ruthven of Freland, of 26 Aprilis; and upon the recept of 1200^lb from the Laird of Balmaine, of 29 Martij; and upon the recept of 500 merks from Simon Chalmers, merchant, of 28 Aprilis; and of the soume of 6000^lb from the Earle of Glencarne, the 28 Aprilis; and of 200 merks from James Chalmers, marikinmaker, the said 28 Aprilis; and upon the recept of 400^lb from Robert Carnegie, merchant, the said day; and upon the recept of j^m merks from the Ladie Carnegie, of 22 Martij; and upon the recept of 200^lb from William Scot, merchand, of the 22 of Aprile; and upon the recept of 200^lb fra Laurence Scot, merchand, of 28 Aprile; and upon the recept of 500 merks from Gilbert Acheson, merchant, of 30 Martij; and upon the recept of 1000 merks from Archibald Sydserf, baillie, of 29 Martij; and upon the recept of 500 merks from Thomas Leishman, merchand, of 28 Aprilis; and upon the recept of 800^lb from Sir John Hamilton of Preston, Sir Alexander Moreson of Prestongrange, Mr Cornelis Ainslie of Dolphinston, and Mr John Ker, minister at Preston, for themselves and parish of Preston, of 4 Aprilis; and upon the recept of 1000 merks from Archibald Tod, Dean of Guild, of 28 Aprilis; and upon the receipt of 100^lb from William Sandilands, baxter, of 2 May; and upon the receipt of 100 merks from Jams Johnston, merchand, of the first of May; and upon the recept of 200 merks from Robert Corser, merchand, of the 2 of May; and upon the recept of 300 merks from Robert Meklejohne, of the 7 of Aprile; and upon the recept of 1200^lb from Mr George Winram of Libberton, of 26 Aprilis; and upon the recept of 500 merks from Johne Bannatyn, Justice Clerk Deput, 6 Aprilis; and upon the recept of 1000 merks from Mr W. Bennet, minister of Edinburgh, 30 Martij; and upon the recept of 200^lb from Alexander Binnie, merchand, 29 Aprilis; and upon the recept of 500 merks from Walter Rankene, merchand, 27 Aprilis; and upon the recept of 600^lb from Issobell Duff, wedow, 25 Aprilis; and upon the recept of 1200^lb from Robert Lokhart, merchand, 6 Aprilis; and upon the recept of 2000 merks from Sir Robert Adair of Kinhilt in name of Mr William Sandilands and Dame Elizabeth Cuningham, his spous, 12 Aprilis; and upon the recept of 5400 merks from Robert, Lord Burghlie, 10 Martij; and upon the recept of 300 merks from Robert Lempitlaw of the first May; and upon the recept of 500 merks from Johne Marjoribanks, merchand, the same day; and upon the recept of 500 merks frome Helene Gilchrist, 2 Aprilis; and upon the recept of 500 merks from Mr W. Colvill, minister, 28 Martij."

Acta, November 1641–October 1646. Fol. 85, a.

Fol. 85, b.

His Majesty's answer to the petition of the General Assembly anent unity of religion and uniformity of

"The quhilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne, Lord Maitlane, and Mr Robert Douglas, minister at Edinburgh, with some others of the commissioners of the Generall Assemblie, and declared that, as they had acquainted the Counsell with their petition to his Majestie, so, having receaved ane

Acta, November 1641–October 1646. Fol. 85, b.

answer thereto, they wer likewise to acquaint the Counsell therewith, quhilk they produced, and being read wes delivered back to them." church government.

See *ante*, p. 374.

"The Lords of Privie Counsell thinks fitt that the Commissioners of the Peace and Commoun Burdens conveene the morne with the Counsell, that by joynt advice some course may be tane concerning the Scotish armie in Ireland." The Scottish army in Ireland.

Decreta, November 1641–October 1646. P. 246.

[Sederunt as recorded above, adding Yester.] Edinburgh, 10th May 1643.

This day compeared Robert Inglis, merchant in London, and produced the duplicate of a letter, dated 6th February last, from the State of Hamburgh to their Lordships touching "the reprisalls granted be his Majestie and Estats of Parliament in favors of the Earle of Rothes, Sir George Hamilton and their partners aganis the said State," which was formerly produced before them on 30th March last by Mr. Robert Burnet, advocate; as also he produced "certane bookes printed at Hamburgh in *anno* 1642, entitled *Succinta causæ delineatio, etc.*, conteaning all that hes past before the said State in that mater, with their protestation." Production of the duplicate of a letter from the State of Hamburg.

Sederunts, February 1635–November 1643. Fol. 106, b.

"A comission to the Marquis of Argile to bargane with merchants for transporting ane thousand bolls of meale to Ireland, etc." Edinburgh, 10th May 1643. Meal for Ireland.

"Act in favors of the Earle of Callander anent the apprehending of a man that is alledgit to have forced a woman." The Earl of Callander.

"Ordains a letter to be written to the Lindsay desyring him to presse ane ansuer frome the Parliament of England to his instructions and to returne thairwith betuix and the 8th of June, and if he gett no ansuer, notwithstanding to returne." Lord Lindsay to press for an answer from the Parliament of England.

"A precept direct to Johne Jossie to delyver to John Campbell, comissar of the Scots armie, seven thousand and fyve hundreth pund sterlin to be distribut among the officers of the armie as the General sall give warrand." £7500 sterling to be distributed among the officers of the army in Ireland.

Acta, November 1641–October 1646. Fol. 86, a.

Sederunt:—The Lords of Privie Counsell; Commissioners of Peace and Common Burdens following—Chancellor; General; Hamilton; Argile; Glencarne; Cassills; Lauderdaill; Southesk; Dalhousie; Calander; Yester; Burlie; Balcarres; Advocate; Treasurer Depute; Justice Clerk; Wauchtune; Cambo; Kerse; Wareston; Humbie; Lag; Nidrie; Freland; Sir Patrick Hamilton; Sir John Smith; Eduard Edgar; John Binnie; Thomas Bruce; Mr. Robert Barclay; James Suord; Hugh Kennedy; Mr. John Corsan; W. Glendon[ing]. Edinburgh, 11th May 1643.

"Forsamekle as the Lords of Privie Counsell, Commissioners for conserving the Peace, and Commissioners for the Common Burdens, taking to their consideratioun the necessities of the Scotish armie in Irland, which, for want of pay, victuall and clothes, is not able longer to subsist, Obligation to repay all such as lend money for the maintenance of the army in Ireland.

and having resolved, according to their bound duetie, to provide some supplee for their present maintenance, did therefore by their act of the fourth of Marche last determine that the soume of tuentie thousand punds sterline, and als much more as sould be offered voluntarlie be his Majesties good subjects betuix and the first day of May instant, sould be presentlie borrowed to that effect upon the conditions and securitie conteanned in the said act, and now, considering that, in respect of the shortnes of the time, manie of his Majesties good subjects who will willinglie putt to their helping hand to this religious and necessarie work could not have tymous advertisment to provide what they ar to len and that the haill monie alreadie givin is onlie able to furnish some meale to the souldiours, without which they had ather sterved or disbanded er now, therefore the saids Lords of Privie Counsell and Commissioners of both Commissions foresaids, doe heirby declare that what soumes of money sall be yit lent for the use foresaid betuix and the tenth of July nixtocome sall be thankfullie repayed to the lenners, their airs, executors and assigneyes betuix and the first of August nixt, together with the ordinarie annual rent frome the dait of the lenning of the same so long as the haill or anie part thereof sall remaine unpayed, and that conforme to the tenor of the foresaid act of the 4th of Marche quhilk is holdin as heir repeated, and that the lenners sall upon deliverie of their money have ticketts of recept and acts of Counsell in maner conteanned in the said act; and als declares that as anie soumes of money due or to be due to that armie sall come from the Parliament of England or otherwise quhatsoever that the same sall be imployed for payment of the advancers proportionallie according to the soumes lent be them; and therefore the saids Lords of Privie Counsell, with consent foresaid, doe now as of before desire everie one of his Majesties subjects who will contribut their assistance heerin, that they will be pleased speedilie to advance such soumes as they sall think fitt upon assurance and securitie in maner foresaid, and ordains thir presents to be registrat in the bookes of Counsell and Commissiouns foresaids, and to have ane act of the saids judicatoreis, joyntlie and severallie, and to be printed together with the former act of the fourth of Marche."

Acta, November 1641–October 1646. Fol. 86, a.

Fol. 86, b.

Edinburgh, 12th May 1643.

Sederunt:—The Counsellers, Commissioners of Peace and Commoun Burdens *ut die predict*; together with the Earles of Morton and Dumfermline and Lord Balmerinocht, the Clerk Register, the Laird of Wedderburn and George Gardin.

Summons of a Convention of the Estates on 22nd June next.

"Forsamekle as the Lords of his Majesties Privie Counsell, Commissioners for conserving the articles of the treatie, and Commissioners for the Commoun Burdens, who ar entrusted be his Majestie and Estats of Parliament with the publict affaires of this kingdom, conforme to the particular commissions givin to them for that effect, haveing, in respect of the weightines of the charge lying upon them and of the present

Acta, November 1641–October 1646. Fol. 86, b.

condition of the estat of this kingdom, mett together that be commoun advice some course might be tane thereanent, and considering the danger imminent to religion, his Majesties person and peace of this kingdom be papists in armes in England and Ireland, and be the distractions betuix his Majestie and houses of Parliament of England which cannot (if not tymouslie prevented) but be the occasion of the like trouble heir and there, withall considering the great burdens lying upon this kingdom, both be the charge of ten thousand men who, by warrant of his Majestie and Parliament, wer sent over to Ireland for defence of the protestant religion and suppressing of the rebellioun there, and ar now almost sterving throw want of maintenance (the Parliament of England having exprest that they ar not able, in respect of the distractions there, so tymelie nor plentifullie to provide for them as they ar bound by treatie), and als by want of a great part of the brotherlie assistance due frome the kingdom of England; and finding the same to be maters of greater weight then they ar able to beare themselves, and doe require the advice and resolution of the representative bodie of the kingdom, therefore, and for such other publict affaires as sall be represented to the saids judicatories conforme to their severall commissions, the Lords of his Majesties Privie Counsell, with concurse and advice of the Commissioners of both Commissions foresaids, have thought it most necessarie, and therefore have appointed ane meeting and Convention of the Estats to be keeped heir at Edinburgh, the 22 day of Junij nixtocome; and ordains letters to be direct in his Majesties name commanding maisers, heralds and pursevants to pas and make publication heirof be open proclamation at the mercat croce of Edinburgh and others places neidfull, and to command and charge all persons having interesse to attend the said dyet as they will be answerable.

Fol. 87, a.

Votes of the Council, of the Commissioners of the Peace, and of the Common Burdens anent the Convention of Estates.

It being this day voted be the Counsell, Commissioners of the Peace and Commoun Burdens whether or not it be fitting in respect of the present conditioun of the publict affaires of this kingdom that at this time the saids three judicatoreis sall consult and resolve joyntlie what course is best to be tane thereanent, it is resolved *affirmative* that it is fitting, etc.

It being voted whether or not it be necessarie at this time that there be a Convention of the Estats that the advice and resolution of the kingdom may be knowne anent such things as sall be represented to them be the Counsell, Commissioners of Peace and Commoun Burdens according to their severall jurisdictions, it is resolved *affirmative* that it is necessarie, etc.

Fol. 87, b.

It being voiced whether or not in respect of the necessitie of publict affaires that the time of the Convention sould be presentlie appointed, and warning thereof givin to all parteis having interesse and that his Majestie sall be acquainted therewith, or if it sall be continued till his Majesties pleasure be knowne thereanent, it is resolved that the meeting sall be presentlie appointed, and the 22 of Junij nixt condescended on for the dyet.

It is further resolved be the saids judicatoreis that missives be sent for conveening the Estats and that it be sufficient they be subscrivit be the Lord Chanceller with anie tua of everie commission foresaid. Acta, November 1641–October 1646. Fol. 87, b.

Declaration by the Marquis of Hamilton that the Estates cannot meet without his Majesty's warrant.

The quhilk day the Marquis of Hamilton declared that, as a Counseller, he could not voice joyntlie with or in presence of the Commissioners of the Peace or Burdens to anie of the articles abonewritten; and, as a conserver of the peace, he will willinglie give his opinioun when it sall be required be anie judicatorie, which in this is that no meeting of the Estats can be called without his Majesties speciall warrant had for that effect.

Lord Advocate adheres to the above declaration.

The Lord Advocat declared that as a Counseller and as his Majesties Advocat he adhered to the declaration abonewrittin made be the Marquis of Hamilton.

Letter to his Majesty stating that it has been found necessary to summon a Convention of the Estates with a view to provide for the maintenance of the army in Ireland.

"Missive to his Majestie concerning this mater:—Most sacred soveran, The extreme necessitie of the armie sent from this kingdom by order from his Majestie and Parliament heir aganis the rebellion in Ireland, for want of meanes for thair necessar supplee throw not payment of their arreares and maintenance due to them frome the Parliament of England, the delay of the payment of the brotherlie assistance so necessarie for releeff of the commoun burdens be reason of Fol. 88, a. the distractions in England and the sense of the danger of religion, of your Majesties royall person and of the commoun peace of your kingdoms, have moved us of your Majesties Privie Counsell, Commissioners for the Peace and Commoun Burdens to joyne ourselves in a commoun meeting for acquitting ourselves in the trust committed to us be your Majestie and Estats of Parliament; and having found after long debate and mature deliberation that the maters aforementiouned ar of so publict concernment, of so deepe importance and of so great weight that they cannot be determined be us in such a way, and with such hope of succesee as may give satisfaction to your Majesties service for the good of this and your Majesties other kingdoms, and as may make us answerable to the trust committed to us be your Majestie and your Parliament we have beene constrained to crave the advice and resolution of ane Convention of the Estats, June 22, which, as according to the duetie and obligation of our places, we ar bound to shew to your Majestie, so doe we humblie intreat that againe the time agreed unto by commoun consent, your Majestie be graciouslie pleased to acquaint us with your pleasure and commandements that maters may be so determined as may serve most for the honnour of God, your Majesties service and weale of your kingdoms, which is and ever sall be the earnest desire and constant endeavoures of your Majesties most faithfull and humble subjects and servants. Edinburgh, 12 May 1643. *Subscribitur*, Loudoun, Can^{llrius}; Leven, Argyl, Cassills, Lauderdaill, Dalhousie, Yester, Balmerino, Burlie, Balcarres, Clerk Register, Kers, Wareston, Humbie, Lag, Cambo, Wedderburne, S. Pa. Hamilton, Freeland, Nidrie, S. Jo. Smith, Eduard Edgar, Jo. Binnie, W^{am} Glendoning, Ja. Suord, Hugh Kennedie, M. Ro. Barclay, Geo. Gardin."

Acts, November 1641–October 1646. Fol. 88, b.

Sederunt:—Chancellor; General; Hamilton; Roxburgh; Mar; Morton; Glencarne; Wigtoun; Dunfermline; Lauderdaill; Kinnoull; Southesk; Wems; Dalhousie; Lanrick; Calander; Angus; Yester; Burlie; Balmerino; Balcarres; Advocate; Justice Clerk; Treasurer Depute; Wauchtun; Dundas; Cavers; Provost of Edinburgh. Edinburgh, 1st June 1643.

"The quhilk day, in presence of the Lords of Secreit Counsell, William, Earle of Lanerick, his Majesties Secretarie, produced and exhibit the missive letter and declaration underwrittin, of the quhilk the tenor followes:—CHARLES R.—Right trustie and right welbelovit cousins and counsellers, right trustie and trustie and welbelovit counsellers, we greit yow weill. Tho we ar confident that no art nor industrie (how cunninglie so ever it be covered with seeming specious pretences) sall ever prevaile so much with yow or anie of our Scotish subjects as to procure the least countenance or encouragement to the rebellious armes now maintained aganis us heir in England, yitt, the better to remove even the nicest feares, we have thought fitt to give all the assurances we can think upon of our reall intentions to preserve inviolablie the present governement, both of church and state, according to the lawes now established within that our native kingdom, as you will find it more fullie exprest in this enclosed declaratioun, which we do require yow to caus print and so publish to all our loving subjects as the continuance of our gracious intentions towards them may be best made knowne; wherein we expect your care as in that which exceedinglie concernes the good of our service and our subjects happines. So we bid yow heartilie farewell. From our Court at Oxford, the 21 of April, 1643." Declaration by his Majesty in which he charges the English Parliament with poisoning the minds of his Scottish subjects, and protests that his object will ever be to rule Scotland in accordance with its laws both in church and state.

"His Majesties declaration to his loving subjects of his kingdom of Scotland. As there hes beene no meanes left unattempted by some seditious persons which the malice and witt of rebellioun could devise to infect and poysoun the affections and loyaltie of our good subjects of our kingdom of England and to withdraw their hearts frome us by the most pernicious and desperat calumnies that could be invented, to undervalue and lessen our reputation with forrane princes by injureis and affronts upon their public ministers, and by procuring agents to be sent qualified for negotiation without our consent and thus to expose us and our regall auctoritie to scorne and contempt by assuming a power over us, so these pernicious contrivers of these bloodie distempers have not delighted in anie art more then in this by which they have hoped to stirre up our good subjects of that our native kingdome of Scotland to joyne with them, and to infuse into them a jealousie and disesteeme of our true affection and our gracious intentions toward that nation. To this purpose they have used great industrie to convoy into that our kingdome and scatter and disperse their diverse seditious pamphlets framed and contrived aganis our person and governement and have procured agents to be sent to reside there and to promote their designes, one of which Fol. 89, a.

latelie resident their, one Pickering, by his letters of the 9th of Januar from Edinburgh to Mr Pym assures him of the concurrence of that kingdom, and that the ministers in the pulpits doe in dounright termes presse the taking up of armes. And in another of his letters of the same date to Sir Johne Clatworthy he sayes that the trumpets sounded to the battell and all cried Arme, Arme, with manie other bold, scandalous and seditious passages verie derogatorie from that duetie and affectioun which we ar most confident our good subjects of that our native kingdom beare unto us. To this purpose they traduce us with raising and making a warre aganis our Parliament, of having ane armie of papists and favouring that religion, of endeavouring to take away the libertie and propertie of our subjects. And upon these grounds they have procured a publict declaration to invite our good subjects of that our kingdom of Scotland to joyne with them and to take up armes aganis us their naturall liege lord. Lastlie to this purpose they endeavour als well in publict as by secreit slee insinuation to begett ane apprehension in them, that if we prevaile so farre heir as by the blessing of God to preserve our selves from the ruine they have designed to us, that the same will have a dangerous influence upon that our kingdome of Scotland and the peace established there, and that the good lawes latelie consented to by us for the happines and welfare of that our native kingdom will be no longer observed and mainteanned by us then the same necessitie which they say extorted them frome us hangs upon us, but that we will turne all our forces aganis them—a calumnie so groundlesslie and impiouslie raised that, if we wer in anie degree conscious to our selfe of such wicked intentions wee sould not onelie not expect a dutifull sense in that our native kingdom of our sufferings, but sould think our selfe as unworthie of so great blessings and eminent protection as we have receaved frome the hands of the Almightie, to whom we know we must yeeld a deere accompt for anie breach of trust or failing of our dutie toward our people. But, as we have takin especiall care frome time to time to informe our good subjects of that our native kingdom of the occurrences heir, particularlie by our Declaration of the 12th of August, wherein is a plane, cleere notion of the begining and progres of our sufferings to that time, so the bold and unwarrantable proceedings of these seditious persons have beene so publict and visible to the world that our subjects of Scotland could not but take notice of them and have observed that after we had freelie and voluntarilie consented to so manie acts of Parliament as not onelie repaired all former greevances but also added whatsoever wes proposed unto us for the future benefit and securitie of our subjects, in so much as in truthe there wanted nothing to make the nation compleitlie happie but the just sense of their owne excellent condition, a few discontented, ambitious and factious persons so far prevailed over the weakenes of others, that instead of receaving that returne of thanks and acknowledgement which we expected and deserved, our people wer poysouned with seditious and scandalous feares

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and jealouseis concerning us; wee wer encountered with more importunat and unreasonable demands, and at last wer drivin by force and tumults to flee from our citie of London for saifetie of our life, after which we wer still pursued with unheard of insolenceis and indigniteis, and such members of either hous as refused to joyne in these unjustifiable resolutions likewise drivin from those councells, contrarie to the fredome and libertie of Parliaments, in so much as above foure parts of five of that assemblie wer likewise forced and ar still keept from thence; our forts, touns, shippes and armes wer takin from us; our money, rents, and revenues seized and deteanned; and that then a powerfull and formidable armie wes raised and conducted aganis us (a good part of which wes raised and mustoured before wee had givin our commissions for raising of one man); that all this time we never denyed anie one thing that by the law wee wer required to grant, or asked one thing but what by the knowne law wes unquestionablie our owne; that wee earnestlie pressed and desired a treatie, that so wee might but know at what price wee might prevent the misereis and desolation which wer threatned; that this wes absolutelie and scornfullie refused and rejected, and wee compelled with the assistance of such of our good subjects as came to our succour to make use of our defensive armes for the saifetie of our life and preservation of our posteritie. What hath since passed—that battell hath beene givin us, our owne person and our childrene endeavoured to be destroyed; that unheard of pressures have beene exercised upon our poore subjects by rapine, plundering and imprisonment, and that confusion which is since brought upon the excellent frame of governement of this kingdom is the discourse of christendome. We ar verie farre from making a warre with or against our Parliament, of which wee our selfe ar ane effectuall part; our principall querrell is for the priviledges of Parliament, als well those of the tuo houses as our owne. If a few persons had not by arts and force first awed and then drivin away the rest these differences had never arissen, much lesse had they ever come to so bloodie a decisioun. Wee have often accused these persons aganis whome our querrell is, and desire to bring them to no other tryell then what, by the law of the land, they aught to be tryed by, and wee have

Fol. 90, b.

beene compelled to take up these defensive armes for saifetie of our life assaulted by rebellious armes, the defence of the true reformed protestant religioun scornfullie invaded by Brownists, Anabaptists and other independent sectareis (who in truth ar the principall authors and sole fomenters of this unnaturall civill warre) for the maintenance of the libertie and proprietie of the subject maliciouslie violated by a vast unlimited arbitrarie power, and for the preservation of the rights, dignitie and priviledges of Parliament almost destroyed by tumults and faction. So what hath by violence beene takin frome us being restored and the freedom of meeting in Parliament being secured, wee have latelie offered (tho we have not beene thought worthie of ane answer) to disband our armie and to leave all differences to the triall of a full and

peaceable convention in Parliament. And wee cannot from our soule desire anie blessing frome heaven more then we doe a peaceable and happie end of these unnaturall distractions. For the malicious groundlesse aspersion of our having ane armie of papists, tho in the condition and streight to which we wer brought no man had reason to wonder if we receaved assistance from anie of our subjects of quhat religion so ever, who by the lawes of the land ar bound to perform all offices of dutie and allegiance to us, yitt it is well knowne that wee tooke all possible care by our proclamations to inhibit anie of that religioun to repaire to us, which wes preciselie and strictlie observed (notwithstanding even at that time we wer traduced as being attended by none but papists, when there have not in a moneth together not ane papist been neere our court), though great numbers of that religioun have with all alacritie beene interteanned in that rebellious armie against us, and others have beene endeavoured to be seduced to whom wee had formerlie denied imployment, as appeares by the examinatioun of manie prissouners of whome we have takin tuentie and threttie at a time of one troup or companie of that religion. What our opinion is of the popish profession our often solemne protestations before Almightie God, who knowes our heart, doe manifest to all the world; and what our practise is in religioun is not unknowne to our good subjects of that our native kingdom. And as we have omitted no way our conscience and understanding could suggest to us for the advancing and promoting the true protestant religioun, having protested our readines in a full and peaceable convention of Parliament to consent to whatsoever sall be proposed to us by bill for the better discoverie and speedier conviction of recusants, for the education of the children of papists by protestants in the protestant religion, for the prevention of the practises of papists against the state, and the due execution of the lawes against them, so we sall further embrace anie just christian meanes to suppresse poprie in all our dominions, of which inclination and resolution of ours that our native kingdom hath receaved good evidence. For the other malicious and wicked insinuation that our successe heir upon the rebellious armes raised aganis us to destroy us will have ane influence upon our kingdom of Scotland, and that wee will endeavour to gett loose frome these wholsome lawes which have beene enacted by us there, wee can say no more but that our good subjects of that our kingdom doe well remember with what deliberation, our selfe being present at the debates, wee consented to those acts, and wee doe assure our good subjects there, and call Almightie God to witnes of the uprightnes and resolution of our heart in that point, that wee sall alwayes use our utmost endeavoures to defend and maintaine the rights and liberteis of that our native kingdom according to the lawes civill and ecclesiastick established there, and wee sall no longer looke for obedience then wee sall governe by the lawes. And we hope that our zeale and courage in the defence onelie of the lawes and governement of this

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kingdom, and for the subjecting our selfe to so great hazard and danger will be no argument that when that work is done wee would passe through the same difficulteis, to alter and invade the constitutions of that our other kingdom. We find disadvantages eneugh to struggle with in the defence of the most upright, innocent, just caus of taking up armes. And therefore, if wee wanted the conscience, we cannot

Fol. 91, b.

the discretion to tempt God in ane unjust querrell. The lawes of that our kingdom sall be alwayes sacred to us. We sall refuse no hazard to defend them, but sure we shall runne none to invade them. And therefore wee doe conjure all our good subjects of that our native kingdom by the long, happie and uninterrupted governement of us and our royall progenitors over them, by the memorie of these manie large and publict blessings they injoyed under our deere father, by these ample favors and benefits they receaved from us, by their owne solemne Nationall Covenant, and their obligation of freindship and brotherhood with the kingdom of England, not to suffer themselves to be misled or corrupted in their affections and duetie to us by the cunning, malice and industrie of these seditious persons and their adherents, but to looke upon them as persons who would involve them in their guilt, and sacrifice the honnour, fidelitie and allegiance of that our native kingdome to their privat ends and ambition. And wee require our good subjects there to consider that the persons who have contrived, fomented and doe still maintaine these bloodie distractions and this unnaturall civill warre, what pretence soever they make of the care of the true reformed protestant religion, ar in truth Brownists, Anabaptists and other independent sectareis; and, tho they seeme to desire a uniformitie of church governement with our kingdom of Scotland, doe no more intend, and ar als farre from allowing the church governement by law established there, or indeed anie church governement quhatsoever, as they ar from consenting to the episcopall. And we cannot but expect a greater sense of our sufferings, since the obligations wee have layed upon that our native kingdom ar used as arguments against us heere, and our free consenting to some acts of grace and favour there (which wer asked of us by reason of our necessarie residence frome thence) have encouraged these ill affected persons to endeavour by force to obteane the same heir where we usuallie reside.

To conclude, wee cannot doubt our good subjects there will so far hearken to the treason and malice of our enemeis as to interrupt their owne present peace and happines. And God so deale with us and our posteritie as wee inviolablie observe the lawes and statuts of that our native kingdom and the protestations we have so often made to this, for the defence of the true reformed protestant religion, the lawes of the land and the just priviledges and freedom of Parliaments."

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"The Lords of his Majesties Privie Counsell, having read and considered his Majesties letter and declaratioun abonewrittin this day exhibit to them be the Earle of Lanerick, his Majesties Secretarie, doe

Order by the Council that his Majesty's declaration be proclaimed at

the market-crosses of the kingdom.

with all humble duetie and thankfulnes acknowledge his Majesties grace and goodnes so fullie exprest therein towards this kingdom. And that the same may be made knowne to all his Majesties good subjects of this kingdom doe, conforme to his Majesties warrant, ordaine the said declaratioun to be printed and published at the mercat croce of Edinburgh be heralds and pursevants with sound of trumpet and displeyed coat of armes, and that the shireffs, stuarts, bailleis of regaliteis and their deputs and magistrats of burrowes within this kingdome have a speciall care to see the same with all diligence published and proclamed at the mercat croces of the burghs within their severall jurisdictions." Acta, November 1641–October 1646. Fol. 92, a.

Declaration by the Lord Chancellor anent a clause in the Council's letter to his Majesty.

"The quhilk day the Lord Chanceller declared that his lordship subscribit the letter writtin be the Counsell to the King this day as Chanceller onlie, becaus the same wes carried be pluralitie of voices as ane act of Counsell and that he reasouned, voiced and protested aganis that claus in it, viz.:—And endeavoure to prevent all jealouseis which may arise upon anie groundles report of levying of armes or mainteaning of forces within this kingdom without speciall warrant from your Majestie and Estats of Parliament. And quhilk claus is still contrare to his Lordships judgement as implying a contradictioun to that letter formerlie writtin to his Majestie anent conveening the Estats."

Acknowledgment of sums of money lent for the supply of the army in Ireland.

"Forsamekle as Mr Robert Melvill, minister at Simprene, hes payed and delivered in reall moneyes to Johne Jossie, deput to William Thomsou, commissar to the Scots armie in Ireland, the soume of a thousand merkes, as hes cleerlie appeared to the Lords of Privie Counsell by the discharge upon the recept therof of the date the 30 day of May last and this day produced in Counsell, therefore the Lords of Privie Counsell, according to ane act made be them with consent of the commissioners for conserving the peace and commissioners of commoun burdens upon the 4th of Marche last, doe declare that the said soume of a thousand merkes is lent be the said Mr Robert for the present supplee of victualls and cloths for the Scotish armie in Ireland, and that the same sall be payed to him, his airs, executors and assigneyes conforme to the said act abonewrittin. The like act upon the recept of 500 merkes from Mr Alexander Gibson, minister at South Leith, of 30 May last; and upon the recept of the like soume the said day from Mr W. Arthure, minister; and upon the recept of 400 merkes from Johne Liddell, merchand, 15 May; and upon the recept of 1000 merks frome Aleson Forman, wedow, 10 Aprilis; and upon the recept of 500 merks from William Tennent of Mossyd, 23 May; and upon the recept of 600^lb^ from James Cochran of Babachla the same day; and upon the recept of v^c^ merks from Andro Dick in Hauch of Kilpont, 23 May; and upon the recept of j^m^ merks from Johne Gillon of Wathous the same day; and upon the recept of 600^lb^ from Johne Binnie, baillie, of the first of Aprile; and upon the recept of 500 merks from Thomas Paterson, 27 Aprilis; and upon the recept of 500 merks from Alexander Lokhart, merchand, the first of May; and upon the like Fol. 92, b.

Acta, November 1641-October 1646. Fol. 92, b.

recept from Mr James Fleeming, minister at Bothans, 1 Junij; and upon the recept of 500^lb from Thomas Calderwod, merchant, 29 Aprilis; and upon the recept of v^c merks from Thomas Weir, peuterer, 28 Aprilis; and upon the recept of j^m merks frome Jo. Inglis in Kirkaldie, 1st May; and upon the recept of j^m merks from John Peirie in the Cannogat, 24 Aprilis; and upon the recept of 400 merks from James Murrey, younger, 26 Aprilis; and upon the recept of 300 merks from Laurence Russell, merchand, 15 May; and upon the recept of j^m merks from Doctor McLure, 19 Aprilis; and upon the recept of j^m merks from Sir Alexander Clerk, provest, 8 Aprilis; and upon the recept of 1500 merks from Robert Fleming, baillie, 5 Aprilis; and upon the recept of j^m merks from Christian Hope, relict of Johne Fleming, 5 Aprilis; and upon the recept of j^m merks from Margaret Richartson, wedow, 6 Aprilis; and upon the recept of 200^lb from James Colquhoun, merchand, 5 Aprilis; and upon the recept of 1000 merks from James Dalgleish, merchand."

Decreta, November 1641-October 1646. P. 246.

[Sederunt as recorded above.]

Edinburgh, 1st June 1643.

Complaint by Jacob Dickinson, skipper, indweller in Birlington, Esay Newton, indweller there, and George Gray, burgess in Dysart, against John Gay and David Simson, bailies in Dysart, for illegal interference with the complainers in the pursuit of their trade.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Jacob Dickinson, skipper, indweller in Birlington, Esay Newton, indweller there, and George Gray, burgess of Dysart, as follows:—By the law and practice of this realm and sundry acts of Parliament made in favour of

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strangers, importers of victual, especially the 72nd act of the 10th Parliament and 114th act of the 14th Parliament of King James the Third, by which it is provided "that strangers importers of victuall for support thereof have libertie to dispone upon their owne goods and be honorablie receaved and intreatted and that no trouble nor arrest be putt upon them nor their goods but that they may sell and dispone upon the same to freemen without compulsion or violence, and that no price be sett upon the saids goods but by buying and selling with their own consent; and that whatsomever strangers ar plainteous of goods tane frome them or injurie done to them sall have payment incontinentlie made and reformation according to justice aganis anie person within this realme but delay; so that throw administration of justice and favorable treatting of all strangers they may have occasion to repaire to this land for the weale of the realme." Now the said Jacob Dickinson and Esay Newton "brought latelie from England a ships laidning to the burgh of Dysert and made proffer of the same to the inhabitants thereof three severall mercat dayes, viz., Saturday the 20 of Aprile, Wednesday the 24, and Saturday the 29, conforme to use and custome, and after expyring of the saids dayes" sold the remainder to the said George Gray, freeman of the said burgh. Yet upon May John Gay and David Simsoun, bailies of Dysert, not only forbade the said skippers to sell their victual to the said

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George Gray, but laid arrestments upon it and upon their ship, imprisoned the said Jacob and fined him £10 sterling, and uplifted the half

thereof, in contravention of the foresaid acts of Parliament. Charge having been given to the said bailies to compear and answer to the foregoing complaint and for repayment of the £5 sterling, with 20s. sterling for each day's delay of the ship, and George Gray compearing for himself and as procurator for the other pursuers, the defenders also compeared and produced an act of court wherein the said Jacob was fined £5 sterling "for irreverent cariage to George Gay, bailie, and for having a pick pott seathing above in his ship quhilk tooke fire and fired his ship." The Lords, after advising, ordain the said bailies to repay the £5 to the said Jacob within ten days after the date hereof. Decreta, November 1641–October 1646. P. 248.

Edinburgh, 6th June 1643.

Sederunt:—Chancellor; General; Argile; Glencarne; Dumfermline; Lauderdaill; Dalhousie; Calander; Balmerino; Burlie; Balcarres; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Cambo; Dundas. Acta, November 1641–October 1646. Fol. 93, a.

The Viscount of Aboyne and the Earl of Nithsdale to be tried by the Justice-General for disloyal correspondence with the Earl of Antrim.

"Forsamekle as the Lord Generall, having this day produced in Counsell fyve missive letters direct to the Earle of Antrim, quhairof tua wer writtin and subscribit be the Vicount of Aboyne of the 3 and 8 May last, and the other three be the Earle of Nithsdaill, one quherof without anie dait and the other tua of the 2 and 8 of May last, together with tua papers of ciphers, all quhilks wer tane and found in the possession of the Earle of Antrim when he wes apprehended be Generall Major Monro; and the Lords, having read and considdered the same and finding them to conteane ane discoverie of dangerous plotts for invading of the kingdom in diverse parts therof and tending to the prejudice of the estat and subversion of the religion, have therefore thought fitt that the saids Earle of Nithsdaill and Vicount of Aboyne sall be processed therefore before the Justice and his deputs; and for this effect ordains and commands his Majesties Advocat to libell ane summounds of treasoun aganis them before the Justice Generall and his deputs upon tuentie dayes warning. Lykeas the saids Lords hes instantlie delivered to the said Lord Advocat the saids fyve letters and papers of ciphers, all marked be the Clerk of Counsell, for raising the saids summounds of treasoun, and declares that the citatioun to be used aganis the Earle of Nithsdaill at his hous of Langholme, mercat croce of Dumfreis, and mercat croce of Edinburgh, and the citatioun to be used against the Lord Aboyne to be used at the place of Aboyne and Strabogie, mercat croces of Aberdene and Innernes, sall be als sufficient as if the same wer used personallie against them."

Edinburgh, 6th June 1643.

[Sederunt as recorded above, omitting the Justice Clerk.]

Decreta, November 1641–October 1646. P. 249.

Complaint by John Irwin in Kame, in which he prays to be relieved

Complaint by John Irwin in Kame, as follows:—He is charged to compear before the Earl of Queinsberrie and George Irwin, his bailie of Dalgarnock, on 8th April next, to underlie the law for some criminal

Decreta, November 1641–October 1646. P. 249.

charges, or be declared fugitive. Now they can be no judges to him seeing he dwells not in that regality but is tenant to Robert Johnston of Stableton; "and farther the said baillie hes sworne to renunce his God if he have not the compleaners life, and for this effect hes given him a charge to ansuer *super inquirendis*." The complainer is willing to answer to anything that can be laid to his charge, but craves that his trial may take place before his Majesty's Justice. Charge having been given to the Earl of Queinsberrie, James Douglas and George Irwing, his bailies, and the pursuer compearing personally, and the defenders by Mr Alexander Burnet, advocate, their procurator, the last named produced an act made in the justice court held by his Majesty's Justice in the tolbooth of Dumfries on 18th March last, setting forth that the said John Irwin, being challenged for theft, compeared, and that "Archibald Douglas, brother to the said Earle, did lawfullie repledge the said Johne, as duelling within the regalitie of Dumlanrig, and found caution to doe justice upon him and report his diligence to his Majesties Justice betuix and the tenth of Junij instant under the pane of v^{c} merkes," in respect whereof the Lords remit the trial of the pursuer to the said Earl and his bailies, providing the said George Irwin be not a judge in the matter. And, seeing by reason of this advocation the said Earl cannot report before 10th June next, the Lords prorogate the diet of his reporting to 12th July next. Further, Robert Johneston of Stableton, compearing personally with the pursuer, became cautioner for him that he will compear to his trial upon 5th July next, under the penalties contained in the acts of Parliament.

from appearing for trial before the Earl of Queensberry, and George Irwin, his bailie, on the ground that he does not belong to the said Earl's regality.

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Acta, November 1641–October 1646. Fol. 93, a.

Sederunt:—Chancellor; Argile; Eglinton; Dumfermline; Yester; Burlie; Balcarres; Advocate; Justice Clerk; Treasurer Depute; Wauchtun; Dundas; Cambo.

Edinburgh, 8th June 1643.

"The Lords of Privie Counsell think fitting that the commissioners for the peace be acquainted with all bussiness concerning the commoun peace which hes past in Counsell since the last meeting of the commissioners and that a way may be thought how the kingdome sall have true information of the same."

The commissioners for the peace.

"Forsamekle as Johne Gibson, one of the Clerks of Session, hes payed and delivered in reall moneyes to Johne Jossie, deput to William Thomson, commissar of the Scots armie in Ireland, the soume of a thousand merkes, as hes cleerelie appeared to the Lords of Privie Counsell be the discharge upon the recept therof of the date the 28 day of Apryle last and this day produced in Counsell, therefore the saids Lords of Privie Counsell, according to ane act made be them with consent of the commissioners for conserving the peace and commissioners of commoun burdens upon the 4th of Marche last, doe declare that the said soume of a thousand merkes is lent be the said Johne for the present supplee of victuall and cloths for the Scottish armie in Ireland, and that the

Acknowledgment of sums of money lent for the supply of the army in Ireland.

Fol. 93, b.

same sall be repayed to him, his airs, executors and assigneyes conforme to the said act abonewrittin. Acta, November 1641–October 1646. Fol. 93, b.

"The like upon recept of 400 merks from Adam Scot, merchand, 3 Junij; and upon recept of 400 merks frome Johne Bonnar, merchand, 15 May; and upon recept of 500 merks from Mr George Leslie, minister, 3 Junij; and upon recept of 500 merks from William Mure, merchand, 31 May; and upon recept of 400lb frome George Stirline, merchand, 29 Martij; and upon recept of 600lb from David Wilkie, merchand, 29 Martij; and upon recept of 500 merks from Edward Edgar, baillie, 1st Aprilis; and upon recept of 400 merks from Jo. Smith, merchand in the Bow, 16 May; and upon the recept of 200lb from Adam Greene, merchand, 7 Junij; and upon recept of 500 merks from James Stevensone, merchand, 23 May; and upon recept of 500 merks from James Gairdin, litster, 7 Junij; and upon recept of 500 merks from Johne Gardin, litster, 7 Junij; and upon recept of 500 merks from William Castellaw, apothecar, 28 Aprilis; and upon receipt of 500 merks from James Wright, hatmaker, 5 Aprilis; and upon recept of 200 merks from Elizabeth Fram, wedow, 22 Aprilis last."

Edinburgh, 8th June 1643.

[Sederunt as recorded above.]

Decreta, November 1641-October 1646. P. 251.

Complaint by Laurence Mercer, son of the Laird of Aldie, and others, students at the university of St. Andrews, in which they submit that they are falsely charged with the murder of Alexander Stuart, late student at the said university.

Complaint by Laurence Mercer, son of the Laird of Aldie, Rorie Clerk, son of Mr Donald Clerk, minister at Lochells; James Borthuick, son of the deceased Mr Eleazar Borthuick, minister at Leuchars; and Peter Hay, sone of George Hay, younger of Nauchtan, students of the College of St Andrewes, as follows:—A criminal pursuit has been raised against them to 30th June next by James Stuart of Ardvorlich, as father, Robert and Harie Stuart, as brothers, and the remanent kin and friends of the deceased Alexander Stuart, student in St Andrewes, wherein they are charged with the murder of the said Alexander Stuart within the said College upon 14th January, 1642 "with battons dropped with lead." Hereby it is intended "to rub upon the compleaners the odious aspersion of murder" and bring them under the danger of the law, most maliciously, as will appear by "the true relation of the mater which wes thus. Some dayes after ane accidentall tumult betuix tuo classes, to witt, of Bajans and Semeis of St Leonards Colledge, occasiouned by the said umquhill Alexander Stuarts provocations and insolent behaviour, the said Alexander appeared to be unweall, keeping his bed, at least his chamber for some other few dayes; whereof the maisters of the colledge getting notice they tooke particular tryell of the said Alexander his caise by themselves and others who sighted his bodie and found not so much as ane blemish, skarre or wound thereupon, or a drop of blood to have beene shed at anie part of his bodie upon occasion of the saids wounds alledged receaved be him, but that he wes sound in all parts thereof, far otherwayes than is calumniouslie libelled in this pretended pursute; to witt, that the blood gushed out at P. 252.

Decreta, November 1641–October 1646. P. 252.

his mouth, nose and secret parts from the time of the alledged receaved wounds till the day of his death and could nowayes be stemmed be chirurgians; and that he lost his sight. But being in his owne and all other mens judgments in good health, having nather at that time takin bed for sicknes nor afterward anie fitt or continuance of agonie till the day of his death, he returned shortlie to the colledge, applyed himselfe to his studeis, observed all the dyets and order of discipline there als and more punctuallie then ever of before, exercising himselfe at pastymes and laufull recreations with the compleaners and others his condisciples in all familiar and kynd correspondence, ever continuing in good health and in the foresaids exercises till the first of August thereafter, at quhilk time, parting from the supplicants weill satisfied in his minde and in perfyt health he wes fullie resolved to have returned tymelie to the said colledge to follow out the course of his studies; and among manie other evidences of his wholesome constitution after the said tumult this one particular may witnes aganis the partie that their pursute is calumnious, viz.—At Couper race in Aprile thereafter he bursted a poore mans hors. So as it appeares clearlie that having died about the last of September, almost nyne moneths after the alledged wounds receaved, his death hes proceeded from some usuall distemper or fever, which, as the compleaners ar informed, wes a purpill fever, and did affect diverse of that familie where he died and remaines there as yitt. And howsoever the compleaners feare no hazard, being conscious of their innocencie, yit seing

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the preparative of so malicious a pursute may prove troublesome to students and advantageous to turbulent persons, the compleaners have thought fitt to represent the mater to his Majesties Counsell that they may be cleered and freed and the partie censured as they deserve." Parties being cited, the said Laurence Mercer compeared by Mr James Mercer, younger of Adie, his brother, Peter Hay, by the said George Hay, his father, and James Borthuick and Rorie Clerk personally as pursuers, while as defenders compeared the said James Stuart and Robert Stuart, his son, for themselves and the said Harie Stuart. There also compeared Mr James Reid of Pitlathie, conservator of the privileges of the University of St Andrewes, who represented in the interests of the said University that this matter had already been tried and censured by them conform to the rights and jurisdiction of the said University granted by his Majesty and his predecessors and ratified in several

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Parliaments, and in regard that their proceedings were called in question by this criminal pursuit he craved their Lordships for clearing of the University to take trial thereof. Further there compeared Mr Thomas Nicolsone, advocate, in name of the Earl of Lindsay, bailie of the regality of St Andrewes, who is the competent judge, as he affirms, in this alleged murder committed within his bounds and jurisdiction, and consented that this matter should be tried by the Council. The Lords, after hearing parties, and both parties being agreeable to any form of trial of the case the Council should think fitting, in respect that the truth of

the case may be best investigated in the sheriffdom of Fyffe where the fact took place, grant commission hereby to John, Earl of Lindsey, John, Earl of Wemes, and Alexander, Lord Balcarres, or any two of them, to examine such witnesses as the parties may adduce at such times and places as the commissioners should appoint, and, choosing their own clerk, to set down these depositions in writing and report the same closed to the Council at their best convenience. They are given power to compel the attendance of witnesses; and the Lords further ordain his Majesty's Justice to continue the criminal diet upon this matter till 1st November next. Decreta, November 1641-October 1646. P. 254.

Recommendation for the raising of a sum of money for the ransom of sailors, who are prisoners with the Turks.

The Lords, understanding that Steven Wyllie, master of the ship called *The Steven of Lubick*, Josias Schaw, Matthew Greg, Thomas Broun, Robert Quhyt, Hugh Henderson, John Kessan, and William Donald, sailors of the said ship; Archibald Wallace, master of the ship called *The Pelican*; David Ferguson, William Cunningham, John Jack, and William Templeton, sailors of the said ship; John Walker, master of the ship called *The Margaret of Air*, John, Alexander and Ludovick Kennedie, John Hunter, elder and younger, John Angus, William McCubine, David Bannatyn, elder and younger, McKnedder, and John Mouat, all indwellers in Air, "ar prissouners with the mercilesse Turkes, keeped be them in great miserie and distresse and ar unable to ransome themselves," and "commisserating the hard condition of the saids persons, being Christians and his Majesties good subjects," recommend "their lamentable estat to the compassion and charitie of all noblemen, barons and gentlemen, synods, presbytereis and sessions of kirks, magistrats of citeis and touns and all others his Majesties subjects to burgh and land upon this side of the Water of Forth, requesting and desiring them and everie one of them to extend such proportion of their beneficence and charitie for releefe of the saids prissouners as in their christiane judgment they sall thinke fitting, and to deliver the same to Johne Kennedie, deane of gild, James Chalmers, James Cochran, William Cunningham, younger, Robert Kelso and George Maisson, burgesses of Air, collectors nominat be the saids Lords for receaving this contribution." These persons have found caution to employ the money received for the behoof of the prisoners, and to report their proceedings to the Council on 1st November next, till which time this recommendation is to endure." P. 255. P. 256.

Protests by William Bruce, portioner of Lyth, and others anent their appearance before the Council.

This day William Bruce, portioner of Lyth, compearing personally, produced before their Lordships Alexander Cogill of that Ilk and William Bruce, his son, to answer the complaint against them by his Majesty's Advocate and Sir John Sinclar of Dunbeth for hurting of the said Alexander [*sic*] in manner contained in the said complaint, having become cautioner for that effect; and because the said Alexander Duncan did not compear he protested that he might be exonered of his obligation. As also the said Alexander Cogill and William Bruce, his son, protested that, as they were here present ready to answer to the said

Decreta, November 1641–October 1646. P. 256.

complaint, nothing further should be done in the said process until they were cited of new and their expenses paid. The Lords admit the protests and modify to Alexander Coghill £40 and William Bruce 40 merks, to be paid by the said Alexander Duncan.

Complaint by John Ewin of Cuikspow that he has been wrongfully put to the horn for cutting the trees of Cuikspow, belonging to Sir Alexander Erskine of Cambuskenneth

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Complaint by John Ewin of Cuikspow, as follows:—He is informed that he has been put to the horn at the instance of Sir Alexander Areskine of Cambuskenneth for his non-compearance before their Lordships to answer to a complaint of cutting the trees of Cuikspow. This is wrongfully done, "because the verie time of the charge givin to him for his appearance he wes engadged and in reall service as enseinyie to George Gordon, brother to the Earle of Sutherland, and upon his journey for Ireland, so as he could not appeare without disappointing his service, and for cleering himself of that complaint he hes found caution to appeare before the Counsell" on 1st June next under a penalty of 1000 merks, and payment of his escheat of £40 if found liable therein. He craves suspension of the horning. The suspender compearing (along with Michael Elphinston, his cautioner, who protested that having satisfied his cautionry he should be free thereof) and Sir Charles

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Areskine also compearing, the Lords, after hearing parties, continue the discussing of the suspension till the last Council day of July; because the said Michael Elphinston became cautioner for the said John Ewin of Cuikspow not to cut any of the said trees till then under the penalty of 1000 merks. The Lords further grant commission to Alexander, Lord Elphinston, and Mr John Rollock, sheriff-depute of Stirline, to survey the fruit trees and orchard of Cuikspow on 5th July next and report to the Council with their best convenience.

Complaint by Alexander Gilbertson in Haister and Elizabeth Ogle, his spouse, against John Doull in Wick and William Doull, his brother, for assault.

Complaint by Alexander Gilbertsone in Haister and Elizabeth Ogill, his spouse, as follows:—On , 1642, John Doull in Weik and William Doull, his brother, armed with swords, staves, forks and other weapons invasive, came under cloud and silence of night to the complainers' dwelling-house in Haister, "forciblie brake up the back and foir doores, tooke the said Alexander be the craig, wounded him in the head and face to the effusion of his blood, held him prissouner till in like maner they entered at the back doore, and hurt and wounded his wife in shamefull and cruell barbaritie to the effusion of her blood and hazard of her life, and threw doun a creddell with a young barne who

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wes so affrighted as the babe hes never beene weill since but in perrell of death." The pursuers compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Sederunts, February 1635–November 1643. Fol. 107, a.

The letters from the Earl of Nithsdale and Viscount Aboyne.

"The quhilk day the Advocate produced the 5 letters delivered to him on Tuisday last direct from Nithsdaill and Aboyne to the Earle of Antrim."

See *ante*, p. 436.

Acta, November 1641–October 1646. Fol. 93, b.

Edinburgh, 9th June 1643.

Sederunt:—The Lords of Counsell and Commissioners of Peace following—Chancellor; General; Argile; Eglintoun; Glencarne; Dumfermline; Lauderdaill; Lindsey; Wauchtune; Cambo;

Dundas; Kerse; Wareston; Wedderburne; Freeland; Sir Patrick Hamiltoun; Sir John Smith; George Bell; John Sempill; Mr R. Barclay; Robert Cunninghame. Acta, November 1641–October 1646. Fol. 93, b.

Declaration anent a plot of the Earl of Antrim for the invasion of Scotland.

"The Lords of his Majesties most honorable Privie Counsell and the Commissioners for conserving the peace, according to the great trust reposed in them by his Majestie and the Estats of Parliament, whereof they ar to make accompt to God, his Majestie and the nixt ensuing Parliament, taking to their deepest and most serious consideratioun the best wayes of preserving the peace of this kingdom that all his Majesties good and duetifull subjects may injoy their religion, liberteis and lawes, which God in a singular and wonderfull providence in the time of his Majesties raigne hath vouchsafed them, and of the peace betuix the tuo kingdoms so unanimously and happilie established in the late treatie of peace and in the Parliaments of both kingdoms, have faithfullie endeavoured by all good meanes to reduce Ireland to his Majesteis obedience, which through the unnaturall, barbarous and antichristian crueltie of papists is from a peaceable kingdom turned into a stage of unexampled and unexpressible misereis, to be lookt upon as ane horrid and dangerous example by this kingdom; and by their earnest supplications to his Majestie and by their declarations to the Parliament of England, but speciallie by their earnest desires for establishing unitie of religion and uniformitie of kirk governement and for disbanding all papists in armes within their dominions, and by the humble offer of their mediation to remove the unhappie differences and quenche the fire of a wasting warre begun betuix his Majestie and his subjects of the kingdom of England, wherein his Majesties sacred person is exposed to so great danger and so manie thousands of his subjects have alreadie perished. But finding to their great greefe the successe no wise answerable to their endeavoures and expectatioun, and the troubles of the nighbouring kingdoms, and the dangers of this kingdome daylie arising to a greater hight then they by their care, counsells or diligence wer able to remeid or obviat, they did resolve, for this and other causes which exercise and heavilie presse this kingdom at this time, to call a Convention of the Estats as the onelie meane (his Majestie not thinking fitting to hearken to their motion for calling of a Parliament) which might by commoun counsell, consent and resolution take the best course for representing yitt more sensiblie these manifold evills and dangers and for overcomming by greater wisdom the difficulteis which wer above their power. Fol. 94, a.

In the meanewhile (which they cannot but attribut to the mercifull and marvellous providence of God, and which is a confirmation to them of their resolution in calling the Convention, and layeth the greater necessitie upon the Estats to meit the more willinglie and frequentlie) a treacherous and damnable plott of the Yrish, English and Scotish papists is begun to be discovered by the unexpected apprehending of the

Acta, November 1641–October 1646. Fol. 94, b.

Earle of Antrim comming from York, where he had keeped his meitings and correspondence by letters with certane popish lords, his confederats, and amongst others with the Earle of Nithsdaill and Vicount of Aboyne, their devilish designes and devices ar come to light and brought to our knowledge, partlie by letters from Ireland shewing the deposition and confessioun of a servant of the Earle of Antrims, and partlie by letters which wer found in the Earle his owne pocket, all sent from Ireland. His servant, which wes hanged at Carrictfergus the day of May, depouned, as the letters beare, before and at the time of his death that the designe wes to reconcile the English and Yrish in Ireland, that they by their joynt power, having expelled the Scots, the Yrish forces there might be sent against the Parliament of England to deale with some fitt instrument there by all their strenth to surprise the Yles and Hielands, and to depopulat and waist so much of this kingdom as their power could extend unto, being assured of the like dealing in the north by the papists and their assistants there, and to have a magazen at Carlill for 20,000 men to fall in with all hostilitie upon the south pairts of this kingdom. The letters sent from Nithsdaill aud Aboyne, all writtin and subscribit be their hands to the Earle of Antrim and found with him, altho in some things covertlie writin, doe carie this much expresslie, that for furtherance of the designe and point resolved on there wes assistance assured frome the Yles and from the north and south of Scotland; that ammunition and armes, without which they think their service uselesse, wer appointed to be sent to the north and other parts of this kingdom, and that popish officers wer commanded and had undertakin to goe into Scotland, of which wee ar informed some ar alreadie gone to the north. For stopping and disappointing so far as may be for the present (till the same divine providence make a more full discoverie), the attempts and devices of this unnaturall and bloodie confederacie and conjuration, as the Lords of his Majesties Privie Counsell have givin order that Nithsdaill and Aboyne be cited and criminallie pursued of high treasoun, and have made the same as a mater of publict and most high importance knowne to his Majestie and the Parliament of England, so they and the commissioners of peace also, for acquitting themselves in their trust and for the saifetie of the kingdome, doe make the same publictlie knowne to all his Majesties good subjects that, being forewarned of their danger, they may be upon their guards and prepared against forrane invasioun and intestine plotts and insurrectioun, and speciallie that the noblemen, commissioners of shires and burrowes, perceaving greater and more apparent necessitie of the approaching Conventioun then they could have wished or expected, may at the day formerlie appointed meit in such celeritie and with such publict affectioun and dispositioun of heart as the present conditioun of affaires doeth require and call for at their hands, and as beseemeth the lovers of their religion, King and countrie, which ar in so great danger from papists, atheists and other degenerated countriemen who ar no

Fol. 95, a.

lesse enraged aganis this kingdom even since the late reformation of this kingdom, then wer their predecessors at the first reformation of religion, when their negotiating wes so restlesse and their attempts so manie and malicious against the work of God in this land. Nor is it to be past without observation that whill his Majestie is making a publict declaration of his intentions to defend and maintaine the religioun, rights and liberteis of this kingdome according to the lawes, civill and ecclesiastick, the papists ar conspiring, plotting and practising aganis the lyves of his Majesties good subjects, whereby they doe reallie manifest to the world what the Kings Majestie against all his declarations, and his subjects against their confidence grounded thereupon, may looke for frome their malice and power if they sall continue in armes, and, which God forbid, if they sall prevaile in the end. And whereas the Lords of Counsell ar informed that the late act of Counsell for publishing his Majesties declaration is mistaken by sindrie as a declaration of their owne judgement concerning the proceedings of another kingdome, for preventing of this mistake they think fitt to remember and declare, according to the act of Counsell in Januarie last shewing that their Lordships giving warrant to print anie paper comming from his Majestie or Parliament of England did not import their approbatioun of the contents thereof, that they did on the first of Junij remember the samine and expresse their intentioun in this proclamatioun to be farre frome taking on them to judge of the proceedings of the Parliament of another kingdome, but onelie to thank his Majestie for his gracious expressions toward the preservation of the rights and liberteis of this kingdome, and ordains this to be printed and published at the mercat croce of Edinburgh and all other burghes within this kingdome, quherthrow none pretend ignorance of the same.

Acta, November 1641-October 1646. Fol. 95, a.

Fol. 95, b.

Letters from the Parliament of England and copy of a letter to the Queen.

"Mr Walden produced tua letter frome the Parliament of England and a copie of a letter sent to the Queen frome Roxburgh, Morton, Annandail, Kinnoul, Lanerick and Carnwath, and letters ordanit to be written to these noblemen to appeire before the Comissioners upon the 19 of June instant."

Sederunts, February 1635-November 1643. Fol. 107, b.

Edinburgh, 13th June 1643.

Sederunt:—Chancellor; Argile; Eglinton; Cassills; Lauderdaill; Balmerino; Yester; Advocate; Clerk Register; Justice Clerk; Treasurer Depute; Wauchtune; Innes.

Acta, November 1641-October 1646. Fol. 95, b.

The above-noted letters to be left to the consideration of the commissioners for the peace.

"The Lords of Secreit Counsell, having read and considdered the letters of credence and another letter sent frome the Parliament of England and this day exhibit to them be Mr Welden, with a copie of a letter sent to the Queens Majestie be the Earles of Morton, Roxburgh, Annandaill, Kinnoull, Lanrick, and Carnwath, they doe leave the same to the consideration of the commissioners for the peace."

Meal for the army in Ireland.

"The Lords of Secreit Counsell gives warrant to the Marquis of Argile to bargane with James Hamiltoun of Boigs for 400 bolls meale

cta, Novem- more then the thousand first agreed upon, and to give warrant for
er 1641– payment of the prices therof."
ctober 1646.
ol. 95, b. "The quhilk day Mr Walden produced ane answer to the instruc- Instructions anent the army in Ireland.
tiouns sent to the Earle of Lindsey anent the armie in Ireland."

[Sederunt as recorded above.] Edinburgh, 13th June 1643.

Decreta, November 1641–October 1646.
P. 259. Complaint by James Fletcher, provost, James Simson, and Alexander Milne, Alexander Wedderburne of Kingany and George Brown, bailies of Dundie, as follows:—They have been charged at the instance of James, Viscount of Duddop, to find caution to repossess him at the next ensuing fair in Dundie at Lammas next in the privileges of riding of the said fair, delivery of the keys, uplifting of the customs and all others whereof he was in possession before the complainers' alledged interrupting of him under the pain of 20,000 merks, and that they will not interrupt him, nor his followers and servants in time coming under the
P. 260. same pain *toties quoties*. This charge ought to be suspended for the following reasons:—1. The fair foresaid does not begin at Lammas, but fourteen days thereafter, upon the 15th August. 2. The burgh of Dundie has already found lawburrows to the said Viscount, and being thus secured the adding of this charge under so great a penalty seems to be of purpose to ensnare the complainers with many and great penalties; and 3. The privileges of sole judging during the time of this fair are under process of reduction and improbation before the Lords of Session, and the second summons executed thereupon, and therefore they cannot obey this point of the charge until the action be discussed. Still for avoiding the danger of horning they have found caution to obey if it be found that they ought so to do. The suspenders compearing by Alexander Wedderburne and James Simson, bailies, Alexander Haliburton, treasurer, Thomas Mudie, dean of guild, and Mr Alexander Wedderburne, clerk of Dundie; and the Viscount of Duddop compearing personally, the last named answered to the foresaid reasons of suspension that although the time of riding the said fair was generally expressed as at
P. 261. Lammas, yet the precise time was the 15th of August and he was content that the charge be restricted thereto. But to the other reasons he opposes the decree pronounced by their Lordships in the matter on 17th January last (see *ante*, p. 376). The Lords find the letters of horning against the suspenders orderly proceeded, and ordained their act of caution to stand and have force against them in terms of the said decree (the said Thomas Mudie, who was cautioner herein, consenting hereto), but upon pronouncing of this sentence the suspenders protested
P. 262. that it should be "without prejudice of anie power granted to the toun of Dundie or magistrats thereof be the acts of Parliament of judging and punishing all cariers of gunnes and pistolls within their toun, as accords of the law." Complaint by the magistrates of Dundee against James, Viscount of Dudhope, who has charged them to find caution to repossess him in the privileges of the fair of the said burgh at next Lammas.

The Sheriff of Moray and others charged to do justice on Katharine Burgess who has been condemned for witchcraft.

The Lords of Privy Council, having on 24th January last given commission to the sheriff of Murray and his deputes, James Dumbar of Dumphaill, Dumbar of Boigs, Mr William Falconer of Kincorth, John Grant of Moynes, William Ros of Clavach, John Ros of Bredley, and John Hay of Knockondie, or any three of them, the said sheriff or one of his deputes being always one, to put Katharine Burges in the parish of Cromdell to the trial of an assise "for witchecraft, sorcerie, inchantment and using of charmes," and report the process of her conviction, and having now considered the said report of her trial upon 8th March last, ordain the said commissioners to proceed against her and do justice upon her "conform to the lawes of the kingdom provided aganis charmers and abusers of the people." Decreta, November 1641-October 1646. P. 262.

Complaint by John Smith and others against Captain Monteith for illegal warding in the castle of Blackness.

Complaint by John Smith, John Umphra, Alexander Hodge, Robert Colquhon, John McApie, Robert Chester, Richard Pickles, Thomas Tailyeour, Andrew McGie, Dayid Philp and William King, as follows:—About ten weeks since they were going to Falkirk on their lawful business when "they wer pressed be one Captane Monteth and tane by force and incarcerat within the Blacknes, wherein they ar yitt lying almost starving for want of maintenance, and their wyves and childrene ar begging through the countrie." Charge having been given to the said Captain Monteth, who compeared, and the pursuers compearing by Jean Riddick, spouse of the said William King, Grissell Granton, spouse of the said Robert Colquhoun, and Agnes Squire, spouse of the said Alexander Hodge, the Lords, after hearing parties, grant commission to James, Earl of Callander, and Robert Livingston, constable of Blacknes, to take trial by witnesses or any other legal way whether or not these persons did willingly "take on with the said Captane before they wer apprehended be him or anie in his name, and that they wer not forced nor constrained thereto," and report this day eight days. And until then the Lords discharge the transporting of any of the pursuers. P. 263.

Complaint by Robert Inglis, merchant, citizen of London, and John Jeale, merchant there, against Robert Dorroch and others for assault and illegal seizure of part of the cargo of a ship with which the complainers were intrusted.

Complaint by Robert Inglis, merchant, citizen of London, and John Jeale, merchant there, as follows:—William Jackson, merchant of London, intrusted the said John Jeale and James Metcalff with a ship, laden "with rich commoditeis, which latelie arryved in the river of Clyd about Dumbartane," at which time John Jeale went to London to report to William Jackson the state of his ship and commoditeis and receive his instructions about them. It pleased William Jackson to assign the whole to William Rennoyar, merchant in London, and he appointed Miles Arundell his factor thereanent. Upon this being notified to the said James Metcaff, he, in violation of his trust, before the return of the said John Jeale with the owner's directions, unloaded the ship and took forth rolls of tobacco and salt hides; and when, on 6th December last, the said Miles Arundell came as factor for the said William Pennoyer and required account from the said James of his dealings with the ship and cargo, he, conscious of his "unjust dealing, ever after that absented himselfe and lurked in Glasgow with Robert Dorroch, merchant P. 264.

Decreta, November 1641-October 1646. P. 264.

there, Mary Schairp, his spous, Mr Robert Stuart and Coline Campbell, merchants there, disponing and putting away the goods, and thereby rendred his cariage verie suspect to the said Miles Arundell, who for the discharge of his trust came to Edinburgh to ask counsell of lawyers how to prosecut the bussines, where he also found the said Mr Jeale latelie come from London and came with him to Glasgow upon the 16 of December to the duelling house of the said Robert Dorroch, quhair the said Mr Jeale loodged with the said James Metcaff and intended to have fitted compt with him; and for that effect layed aside his suord and pistolls and went to a chamber and entered upon the bussines. But the said Robert Dorroch and his spous, being advertised by a letter writtin

P. 265.

from Lithgow be the said Coline Campbell of the compleanners resolutions, and fearing that their proceedings would prejudge them in the bargans unlawfullie made be the said James Metcaff, they came to the said chamber, called for the said James and violentlie tooke him from the said John Jeale and convoyed him out be a back doore; and, when the said Johne preast to follow him, they rent his cloathes and beate him with hands and feet. And upon the morne thereafter the said Mr Jeale, being in the said Robert Dorrochs hous seeking his pistoll and suord quhilk he left there the night before, the said Robert and his wife, with the said Mr Robert Stuart, shamfullie strake him with hands and feit; and, because the said Miles Arundell interposed himselfe for his releeffe, the said Mr Robert Stuart drew a whinger, swearing to stab them if they did not remove. And now latelie upon the sixt of this instant the said Robert Inglis, as attourney for the said William Pennoyer, being in Glasgow trying for the said Metcaff and the ship and goods foresaids, the said Coline Campbell came to him on the hie streit, and, after a querrelling challenge, called him rascall, douped him on the breast and departed, but came shortlie back with Peter Gemmill and Alexander Crafurd, toun officer, and uttered manie opprobrious and contumelious speeches in boasting way aganis the said Robert, requiring him to goe aff streets or ellis he sould gett his harnes doung out." Charge having been given to the said Robert Dorroch, Marie Scharp, Mr Robert Stuart and Coline Campbell, who all compeared except Marie Scharp, and Robert Inglis compearing personally for himself and Mr Jeale, the Lords, after hearing parties, assoilzie Coline Campbell and Robert Dorroch, who, on probation being referred to their oath, denied the complaint, but Mr Robert Stuart, who confessed "the doupping of the said Mr Jeale," they commit to ward within the tolbooth of Edinburgh until they should release him; and they ordain Robert Inglis to pay ten merks to each of his witnesses.

P. 267.

Sederunt:—Chancellor; Argile; Eglinton; Cassills; Lauderdaill; Yester; Balmerino; Clerk Register; Advocate; Treasurer Depute; Innes. Edinburgh, 15th June 1643.

Complaint by Robert Neilson, merchant burgess of Dumfries, against William Gordon of Murefad and Robert Gordon of Burnes for contempt of horning.

Complaint by Robert Neilson, merchant burgess of Dumfreis, as follows:—On 12th and 14th February, 1635, William Gordon of Murefad and Robert Gordon of Burnes were put to the horn for not paying to the complainer 200 merks of principal and 40 merks of expenses, with the due interest, but pay no heed thereto. Charge having been given to the said William Gordon, and the pursuer compearing but not the defender, the Lords ordain the latter to be charged to render his houses and to enter himself in ward within the castle of Blacknes within ten days on pain of treason. Decreta, November 1641–October 1646. P. 267. P. 268.

Supplication by Hugh M'Clartie, indweller in Dornoch, for payment of 80 bolls of victual which had been seized for the supply of the army in Ireland.

Supplication by Hugh M'Clartie, indweller in Donnochadie, as follows:—"The officers of the Marquis of Argiles regiment in Ireland, being pressed with want of victuall, seazed upon a bark perteaning to the compleanner loadned with victuall in the moneth of May last, wherein they receaved 80 bolls victuall and agreed to pay him 26s sterline for the boll," by a note under their hand, and they directed him to seek payment "from the Lord Generall, the Marquis of Argile, or general commissars of the armie." He is but a poor man and has already suffered heavily through the want of his victual and price thereof, as also by his coming hither for payment, and craves their Lordships to order the same. The Lords ordain John Jossie, depute to William Thomson, commissary of the army, to pay to the supplicant 26s. sterling for each of the 80 bolls mentioned above. P. 269.

Supplication by Mr. John Hart, doctor of physic, and others for a commission for the arrest of Harry Cunningham, portioner of Restalrig, who has hitherto defied all legal process.

Supplication by Mr John Hart, doctor of physic, Richard Guthre, writer to the signet, Bathia Aird, widow of Joseph Miller, advocate, David, Alexander and Jonet Denniston, Mr Robert M'Gill, advocate, and William Craufurd, tailor burgess of Edinburgh, as follows:—Harie Cunningham, portioner of Restalrig, is at the horn for several great sums of money due to them, but all legal process is futile as no messenger "darre goe neir the hous quher he duells from whence he casts doun great stones to fell them, and keepes himself as in a hous of warre." They therefore crave that commission may be granted to the sheriff of Edinburgh and his deputes, and to Lord Balmerinoch and his bailie, jointly and severally, to search for and apprehend the said Harry and imprison him, making open doors and using his Majesty's keys for this purpose as may be necessary. The Lords grant commission as craved. P. 270.

Anent the dispute between Mr. Archibald Cameron, minister at Inchcailloch, and George Buchanan, apparent of that Ilk.

This day compeared before the Lords Mr Archibald Camron, minister at Inchecallioch, and George Buchanan, apparent of that Ilk, and submitted the decision and determination of the complaint by Mr Archibald against the said George respecting his payment of £600 to the said Mr Archibald, and all other differences between them, especially anent the erection of the chapel of Buchanan "for the parish kirk of Inchecallioch and providing the same with a competent stipend and a convenient gleib and manse" in terms of summons raised before the commissioners of tithes, to the arbitration of Walter M'Aulay of Ardincaple for the part of the said Mr Archibald, and Sir Robert Drummond of Medhop for the part of the said George, and to Archibald, Marquis of

Decreta, November 1641–October 1646. P. 270.

Argile, as oversman, in case of variance, and both parties obliged themselves to abide by their determination without appeal.

Complaint by Thomas Peirson, messenger, and Mr. David Courtie, minister at Stitchell and Hume, against Patrick Trotter, town officer in Hume, for threatening the said Thomas in the execution of his office.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Thomas Peirsone, messenger, and Mr David Courtie, minister at Stitchell and Hume, for his interest, as follows:—The deforcing of messengers is strictly prohibited by law, yet on 17th May last when the said messenger was executing a precept of the Commissary of P. 271. Lauder at the instance of the said Mr David, and had lawfully poinded a horse belonging to William Tinno in Home for a debt, "Patrik Trotter, toun officer in Home, with shoutts and cryes raised the haill touns people in armes with stalffes and others weapons, he himselfe having a speir in his hand, and came upon the messenger and his witnesses, and not onelie abused them with injurious words and threatnings, but also pursued them of their lyffes to have killed them, if they had not beene stopped, and tooke the poynded hors frome them, promising to abide be all that he had done or sould doe." The pursuers compearing but not the said Patrick Trotter, the Lords after hearing the evidence of witnesses, find that "Patrick Trotter, with a banded lance in his hand, cryed to the touns people to rise, and tooke away the poynd, and offered to kill the messenger if he sould carie the same," for which great insolence they ordain him to be charged to enter into ward within the tolbooth of Edinburgh within six days on pain of horning.

Complaint by Mr. John Norwell, servitor to Sir Thomas Hope, his Majesty's Advocate, against Sir James Sinclair of Murkill for contempt of horning.

P. 272. Complaint by Mr John Norwell, servitor to Sir Thomas Hope of Craighall, his Majesty's Advocate, as follows:—On 23rd May, 1642, Sir James Sinclair of Murkill was put to the horn for non-payment of a debt of 1800 merks with interest and expenses due to the said complainer, but he pays no heed thereto. The pursuer compearing but not the defender, the Lords ordain the latter to be charged to render his houses and enter himself as prisoner within the castle of Blacknes within fifteen days on pain of treason, which they certify shall be executed without favour; but they supersede the giving out of these letters until 1st July next.

Acta, November 1641–October 1646. Fol. 96, a.

Edinburgh, 16th June 1643.

Sederunt:—Chancellor; Argile; Eglinton; Cassills; Dunfermline; Lauderdaill; Yester; Treasurer Depute; Justice Clerk; Wauchtune; Innes.

Commission to the Marquis of Argyle and others to examine Thomas Lillie, servant to the Earl of Antrim.

"The Lords of Secreit Counsell gives commissioun be thir presents to the Marquis of Argile, the Earle of Cassills, the Lairds of Wauchtune and Innes, or anie tua of them, to examine Thomas Lillie, the Earle of Antrims servant, and to searche and try his clokbags and what letters he hes with him, and that he be keeped closse prisouner in the meane time."

Decreta, November 1641–October 1646. P. 273.

Edinburgh, 19th June 1643.

[No record of Sederunt.]

The Lords, having given commission to James, Earl of Callander, and John Smith and others,

now prisoners in Blackness, found to have been lawfully enlisted by Captain Monteith. See *ante*, p. 446.

Robert Livingston, constable of Blaknes, at the instance of John Smith, John Umphra, Alexander Hodge, Robert Colquhoun, John McCapie, Robert Chestoun, Richard Pickles, Thomas Tailyeour, Andrew McGie, David Philp and William King, for the present in Blacknes as "alledged tane on for Captane Monteth to the Frenche warres, to try if they did willinglie take on with the said Captane and wer not forced nor constreaned thereto," and having heard their report, find that Richard Pickles, John Umphra, Robert Chestoun, Alexander Hodge, Thomas Tailyeor and David Philp, "wer willingly tane on and wer content to goe with the said Captane; and therefore they ordain the said constable to deliver these six persons to the said Captain to be transported by him to the French wars with his best convenience, and to liberate the others.

Edinburgh, 20th June 1643.

Sederunt:—Chancellor; General; Hamilton; Argile; Mairshell; Mar; Morton; Eglinton; Glencarne; Cassills; Perth; Wigtoun; Dumfermline; Roxburgh; Lauderdaill; Kinnoull; Lindsey; Lanrick; Calander; Angus; Yester; Balmerimo; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtun; Innes; Cambo; Provost of Edinburgh. Acta, November 1641–October 1646. Fol. 96, a.

The treaty anent the Scots army in Ireland.

"The quhilk day the Earle of Lindsey produced the articles of the treatie for the Scots armie in Ireland subscribed be the clerks of the Parliament with ane order of either House bearing their assents thereto. The saids Lords gives commissioun to the Lord Generall, the Earle of Cassills, the Lord Balmerino and Laird of Innes to revise and confirme the same with the former copeis of the treatie sent doun and with the instructions givin for that effect."

Approbation of the Earl of Lindsay's proceedings in England.

"The Lords of Secreit Counsell, having heard the report made be the Earle of Lindsey of his proceedings in England, doe find that he hes caried himselfe conforme to the instructions givin to his Lordship, and doe approve of his diligence therein."

Letter from his Majesty anent an order from the English Houses of Lords and Commons for the arrest of certain Scottish Earls —an order which his Majesty desires the Council not to put in execution.

"The quhilk day the Earle of Lindsey produced ane order of both houses of the Parliament of England with ane copie of a letter direct be the Earles of Morton, Roxburgh, Annandaill, Kinnoull, Lanrick and Carnwath, with a letter frome his Majestie concerning the saids noblemen, quhilk letter the saids Lords ordains to be registrat and showin to the commissioners of peace. Of the quhilk letter the tenor followes:— Fol. 96, b.

CHARLES R.—Right trustie and right welbelovit cousines and counsellers, and right trustie and welbelovit counsellers, we greit yow well. Whereas our right trustie and right welbelovit cousine, Johne, Earle of Lindsey, hath, according to his boundin dutie, showin to us the copie of ane order of both houses of Parliament, by which the said Earle is desired by both houses to acquaint yow and the commissioners for conserving the articles of peace and treatie betuix the tuo kingdoms with a letter intercepted by the Lord Fairfax, subscribed by diverse

Acts, November 1641–October 1646. Fol. 96, b.

Earles of Scotland, to the end that the persons of the saids Earles may be by yow and them secured to answer what sould be objected against them from both houses of Parliament in England; and whereas the said Earle hes likewise showed unto us a copie of the letter quherupon that order is founded, which we find to be subscribed by our right trustie and welbelovit cousines and counsellers, William, Earle of Morton, Robert, Earl of Roxburgh, George, Earle of Kinnoull, and William, Earle of Lanrick, and by our right trusty and welbelovit cousins, James, Earle of Annandaill, and Robert, Earle of Carnwath, and directed to our royall consort; and whereas we find that letter to conteane a bare representatioun of the conditioun of these parts and of the desires of our right trustie and welbelovit cousine James, Earle of Derby, and nothing that

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anie wayes concernes that our kingdom of Scotland, nor that can render them suspected of anie crime to answer for which they can deserve to be secured, or of anie thing but care of our service and well wishing to our affaires in these parts, we doe therefore signifie unto yow that we cannot doubt but you will consider the present conditioun of both houses (out of which the major part by much hes beene drivin away by tumults and violence nursed and encouraged by some factious and furious Anabaptists and other sectareis, and manie yitt remaining ar awed there by souldiours actuallie in armes and in opin rebellioun against us), and that by their orders and ordinances the present rebellioun of the armie under the command of the Earle of Essex is countenanced and maintained, and that comparing the present conditioun of the persons who desire this frome yow with the innocencie of the persons against whom this is desired and what reason we sould have to resent it, if persons of their qualitie and of so knowne merit, affectioun and fidelitie to us sould for that their affectioun and fidelitie suffer under anie cullour of restraint quhatsoever, we doe expect frome yow, notwithstanding of anie such order or message, that yow receave them as persons of whom we ar knowne to have so good ane esteeme, and in whois harme or disparagement in the least degree we cannot but think our selfe highlie concerned. And so being fullie confident of your readie complyance heerin, we bid yow heartilie farewell. Givin at our Court at Oxford, the 29 of May, 1643."

Commission to the Earl of Lauderdale and others to examine William Maxwell of Killilung and John Maxwell of Brownholme anent the correspondence between the Earls of Antrim and Nithsdale. See *ante*, p. 441.

"The Lords of Secreit Counsell gives commissioun to the Earle of Lauderdaill, the Lord Balmerino, the Lairds of Cambo and Wauchtun to examine William Maxuell of Killilung and Johne Maxuell of Broomholme, the said William of his knowledge of the correspondence keeped betuix the Earles of Nithsdaill and Antrim and the said Johne Maxuell for his making proclamatiouns, etc."

Fol. 97, b.

Order to the magistrates of Edinburgh to liberate Thomas Lillie from their tolbooth.

"The Lords of Secreit Counsell ordains the provest and bailleis of Edinburgh to putt Thomas Lillie to libertie furth of their tolbuith, and recommends to the Generall to give order that the said Thomas may saifelie goe to the Earle of Antrim and, in the presence of Generall Major Monro and such as he sall appoint, deliver his clokbag and such

things as ar within the same. Quhilk being done that the said Thomas be suffered to returne and the said Earle have libertie to make choice of anie such of his servants as are there to wait upon his persoun, providing he have no intelligence with Thomas Lillie and that the said servant be keeped closse prisouner with the said Earle." Acta, November 1641–October 1646. Fol. 97, a.

Acknowledgment of sums of money lent for the supply of the army in Ireland.

"Forsamekle as Doctor Alexander Ramsay hes payed and delivered in reall moneyes to Johne Jossie, deput to William Thomsoun, commissar to the Scotish armie in Ireland, the soume of fyve hundreth merkes, as hes cleerlie appeared to the Lords of Privie Counsell by the discharge upon the receipt thereof, of the date the 12 of Junij instant, and this day produced in Counsell, therefore the Lords of Privie Counsell, according to an act made be them with consent of the commissioners for conserving the peace and commissioners for commoun burdens upon the 4th of Marche last, doe declare that the said soume of v^{c} merkes is lent be the said Doctor Alexander Ramsay for the present supplee of victualls and cloths to the Scotish armie in Ireland, and that the same sall be payed to him, his airs, executors and assigneyes conforme to the said act abonewrittin."

The like act upon Robert Balfoure, brother to Mitchell Balfour of Grange, his discharge of 600 merkes the 13 of Junij instant. The like upon William Schaw, merchand, [his] discharge of j^{m} lbs of the 15 May. The like upon Bessie Schaw, relict of Johne Mitchell, baxter, her discharge of 200 merks of the 15 of May last. The like upon Umphra Dowy, commissar clerk in Edinburgh, his discharge of 400 merkes, dated the 20 of Junij instant. The like upon James Melvill of Halhills discharge of ij^{m} merkes, dated the 13 of June instant. The like upon Hugh Boyd, merchand burges of Edinburgh, his discharge of v^{c} merkes, dated the tenth of May last. The like act upon Patrik Hepburne, apothecar, his discharge of j^{m} merkes, dated the tenth of May last. The like act upon Johne McNeish, merchant, burges of Edinburgh, his discharge of iij^{c} merks, dated the 20 of Junij instant." Fol. 98, a.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. JANUARY 1638–JUNE 1643.

PRIVY COUNCIL PAPERS.

Miscellaneous Papers.

1. "Forsamekle as the time of the late infection of the plague within the bounds of the Middleshires order wes givin to the shireffs of the shires, justices of peace, provest and bailleis of burrowes within the saids bounds for ordering commerce and trade within these parts according to the instructions sett doun in the acts and proclamatiouns published to this effect, as alsua the mercats at Dunce, Kelso, Selkirk, Jedburgh, Melros, Hawick, Caldstreame and others places on this side wer discharged and direction givin to the saids shireffs and others foresaids for keeping of thair bounds free of the said contagion; a[nd the] Lords of Privie Counsell being now informed that this contagion is now [at the] pleasure of God brokin out in Jedburgh and Crailling, within the Middle[shires] of this kingdome, quhilk may prove dangerous to this countrie if diligence [be] not tane for preventing the forder spreading of this infection; and the saids Lords reposing spècial trust in the commissioners who this last yeere did successfullie govern and rule the bounds the time of the last infectioun, thairfoir [the] Lords of Secreit Counsell hes givin and grantit and be the tennor heirof [gives] and grants full power and commission, expresse bidding and charge to Ro[bert], Earle of Roxburgh, Lord Privie Seale, Williame, Erle of Lothiane, Johne, Lord Cranstoun, Sir William Dowglas of Cavers, shireff of Roxburgh, and to suche others persons as they sall assume and associat to thameselves, to see that the acts and proclamatiouns made the last yeere in this behalfe be preciselie observed in all points, with full power to thame to prescribe suche others orders and rules anent the forme and maner of commerce and trade or anent the discharging of the same *simpliciter*, and of all mercats and faires within the saids bounds, and anent the interteanement of suche poore people as sall be closed up upon suspicion of the said infection and tuicheing the strait keeping of the persons infected apart be thameselves as they sall find necessarie and expedient; and ordains letters to be direct to make publicatioun heirof at all places neidfull, and to command and charge all and sindrie his Majesteis subjects quhatsomever quhom these presents doe or may concerne to reverence and obey the saids commissioners in all and everie ane of thair injunctions and directions, under all highest pane and charge that after may follow, and in speciall to command and charge all persons suspect of the said contagion to addresse thameselves to the places to be assigned to thame and not to transcend the same till they be orderlie releeved, under the pane of death, certifeing thame that failleis that the pane of death sall be execute upon thame without favour."

Edinburgh, 6th January 1638. Appointment of a commission for the suppression of the plague which has broken out in Jedburgh and Crailing.

28th February 1638. Letter from Archbishop Spottiswoode excusing his absence from the present sederunt, and stating his opinion that the Service-book should not be imposed on the nation.

2. "Please your Lordships to excuse my absence from this meeting quhich I promised to keep, but am hindered by diverse urgent occasiouns. Your Lordschips knoweth my minde in the cheefest busines that is to be entreated, which I assure myself will be the minde of all good clergiemen, that is to lay aside the book and not to presse the subject with it any more rather then to bring it in with such trouble of the church and kingdomes peace as we see. But I shud wische all this to be fairly carried without any touch to his Majesties honour and the opening of a doore to the disobedience of ill affected people, whereof I know your Lordschips will be carefull, and so beseeching God to bless your councells with a good success, I take my leave, resting, your Lordships humble servant, SANCTANDREWS. Edinburgh, the last of February, 1638." [Address on back] "To My very honorabill good Lords, the Lords of his Majesteis Privie Councell." [Holograph.]

Stirling, 3rd March 1638. The Earls of Roxburgh and Buccleuch, and Francis Steuart.

3. Draft of the Act of Council recording the Decreet Arbitral, signed by his Majesty, in the matter of the Earls of Roxburgh and Buccleuch, and Francis Steuart, printed *ante*, p. 12.

Stirling, 3rd March 1638. The same.

4. Extract of the same Act of Council containing the decreet itself, subscribed by JACOBUS PRYMROIS.

Stirling, 5th March 1638. Letter of Council to the Earl of Morton anent the public evils occasioned by the introduction of the Service-book.

5. "Our verie honorable good Lord, Wee, findeing the subjects feares and sturres to encrease since the last proclamation, did appoynt, be the Lord Chancellers and others lords of the clergie thair speciall advyce, a solemne diet of Counsell to be kept at Stirline on the first of Marche instant, where the Lord Chanceller and others lords of the clergie promeist to be present to consult upon the grouth of the publict evills and remedies thairof, for his Majesties honnor and peace of the countrey. Bot, haveing met at Stirline, wee ressaved a letter of excuse frome the Lord Chanceller and we were forced to proceed without him and others lords of the clergie, where, after wee had spent foure dayes in advyseing upon the saids evills and remedies thairof, we resolved in end to direct Sir Johne Hamilton of Orbestoune, one of our awne nomber, with a letter of trust frome us to his Majestie, to whome we have imparted our opinions and reasons of the saids publict evills and remedies of the same to be represented to his sacred Majestie. And, becaus the bussines is so weightie and important that to our opinion the peace of the countrey wes never in so great a hazard, wee have thought fit to recommend the bussines to your Lordships consideration, that, after your Lordship hes hard the Justice Clerke thairin, your Lordship, according to your great enterest in his Majesties honnor and peace of the kingdome, may concurre be your best advyce and assistance, at his Majesties hands, to bring thir great and fearfull evills to ane happie event. And so committing your Lordship to God, wee rest, your Lordships verie good freinds TRAQUAIRE; ROXBURGHE; WINTOUNE;

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PERTH; WIGTOUNE; KINGORNE; LAUDERDAILL; SOUTHESK; ANGUS; LORNE; DOUNE; ELPHINSTON; NAPIER; JA: CARMICHAELL; W. ELPHINSTON; J. HAY; Sr THOMAS HOPE." Stirline, 5 Marche, 1638. [Address on back] "To our verie honorable good Lord the Earle of Morton."

6. Summons at the instance of Patrick Maule of Panmure against Robert Montgomrie in Haltoun, as narrated (*ante*, p. 82); dated at Edinburgh, 3rd April, 1638, and signed JA: PRYMROIS. At the foot is noted, "24 *Septembris*, 1638, chargit personallie; witnesses, Thomas Schewane and Patrik Maule, to the 13 *Novembris*, 1638." Also on the margin, " . . [No]vember 1638: [persew]er be Keith, servitor to Mr John Rollok: defender absent." Also noted on the back, "Halyrudhous, 13 *Novembris* 1638, persewer be Keith; the defender absent. Andro Wat in Haltoun, sworne, depons he saw Robert Montgomerie cast doune ane hous perteaning to the persewar and quherin he formerlie dwelt himselfe, and tooke possession of ane other hous perteaning to the persewer tenent quhilk he yit violently keeps.

Thomas Montgomerie, sworne, depons *conformis precedenti*.

Probatur. Ordains letters to be direct chargeing Robert Montgomerie to enter his person in ward within the tolbuith of Edinburgh." 3rd April 1638. Summonses and depositions.

7. Summons at the instance of William Seatoun of Meany, and the other persons mentioned (*ante*, p. 60), against Nathaniel Keith of Coklaw, and the other persons there named upon the charge there set forth; dated at Halyrudhous, 13th June, 1638, and signed by JA: PRYMROIS. On the margin it is noted that on 21st August William Seaton compeared personally for himself and the other pursuers and that the defenders compeared by Mr John Sandelands, "who alledgit that the defenders being charged to compeir on the sevint day, and come heir that day, but missing Counsell that day they returned home and are now attending thair harvest and thairfoir desired ane new diet. The Lords notwithstanding ordains processe presentlie and the defenders, being oftymes callit, compeired not. Decernis." 13th June 1638. Summons against Nathaniel Keith of Cocklaw and others at the instance of William Seton of Mounie and others.

8. Summons at the instance of Mr Archibald Cameron, minister at Inchecallioch, against George Buchanan and others, as formerly narrated (*ante*, p. 86), dated at Edinburgh, 12th July, 1638, and signed JA: PRYMROIS. On the margin there is noted a compearance on 1st November, 1638, when the pursuer and Young Buchanan compeared, and the case was, with consent, continued till the 13th. Also the compearances and decreet in the case on 14th November. 12th July 1638. Summons against George Buchanan and others at the instance of Mr. Archibald Cameron, minister at Inchcailloch.

9. Summons at the instance of Colonel Robert Monro against Captain George Curror, laird of Finzeas, as formerly narrated (*ante* p. 84). On the margin is noted the hearing of the case on 14th November, 1638, 24th July 1638. Summons against

Captain George Curror, laird of Finzeas, at the instance of Colonel Robert Monro.

and it is here stated that the defender compeared by Mr Robert Hay, advocate, who alleged that the defender was minor and has raised an action of reduction of the said obligation and commission, and that before the raising of this complaint. But the Lords, in respect of the defender's absence, decern him to be denounced. The summons is dated at Edinburgh 24th July, 1638, and is signed JA: PRYMROIS.

27th July 1638. Summons against Mungo Park in Hoill of Kirkbride at the instance of Mr. Robert Blackwood, minister at Kirkbride.

10. Summons at the instance of Mr Robert Blackwod, minister at Kirkbryd, against Mungo Park in Hoill of Kirkbryd, as formerly narrated (*ante* p. 85); dated at Edinburgh 27th July, 1638, and signed JA: PRYMROIS. On the margin is noted the hearing of the case on 14th November, 1638; and on the back are noted three executions, (1) on 2nd August, 1638, by Alexander Porteous, messenger, against Mungo Park, personally apprehended in Leith; witnesses, David Crychtoun, pewterer in Edinburgh, and James Drysdaill, servitor to Sir William Douglas of Cowsogall, knight. (Signed) A. Portous, messr; (2) On 24th September, 1638, by Thomas Blaik, messenger, against Mungo Park in Hole of Kirkbryd, personally apprehended; witnesses, William Blakwood in Kirkbryd and James Braidfute in Hole of Kirkbryd. (Signed) Tho: Blaik, messr; and (3) on 27th September, 1638, by the said Thomas Blaik against William Herroun in Enochtoun, John Broune there, James Shankiland there, and John Kellok in Kirkbryd, all personally apprehended; witnesses, George McCaull in Changlokfute, and John McMathe in Enochtoun. (Signed as the last.)

31st July 1638. Three executions at the instance of George Kerr.

11. Three executions in the complaint at the instance of George Ker, (1) on 31st July, 1638, by James Grahame, messenger, against Sir Patrick Home of Polwart, knight, personally apprehended at the West Port of Edinburgh; witnesses, William Symeson, younger, cordiner in Edinburgh, and William Purves, servitor to the said Sir Patrick Home. (Signed) J. Grahame, messr; (2) on the same day by the same, against John Stewart, burgess of Edinburgh; John Hunter, smith there, James Stevinson, merchant there, and Hew Lauder, messenger in Edinburgh, all personally apprehended in Edinburgh, as witnesses in the case; witnesses, the said Hew Lauder and George Gordon, messengers, John King, post there, Robert Kennedy, smith in Edinburgh, and Andrew Hislope. (Signed as above); and (3) on the same day by Hew Lauder, messenger, against James Grahame, messenger, personally apprehended upon the street of Edinburgh, also as a witness in this case by George Ker against Sir Patrick Home of Polwarth; witnesses, John Stirling and Alexander Porteous, messengers in Edinburgh. (Signed) Hew Lauder, messr.

31st July 1638. Execution at the instance of Robert Keith, mer-

12. Execution by John Oliver, elder, messenger, against James Quhytheid, portioner of Currie, charging him to compear before the Lords of Privy Council on 7th August next, to see and hear suspension

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granted of letters of horning purchased by him against Robert Keith, merchant burgess of Edinburgh, who has found caution conform to the said letters which are dated 31st July, 1638.

chant burgess in Edinburgh, against James Whitehead, portioner of Currie.

13. Summons at the instance of Mr Matthew Lumsden of Rudreston, bailie of Aberdene, as follows:—The lands of Rudreston and water and fishing thereof belong to him heritably, and he has been in peaceable possession thereof for diverse years past until that, on 26th July last, Sir William Forbes of Monymusk, John Forbes of Leslie, William Forbes, fiar thereof, John Forbes, his natural son, and Walter Forbes, fiar of Tolquhon, and others, armed with swords and other invasive weapons came to the complainer's water, "tooke out the dyke and hemme of the fuird thairof and thereby hes scattered the said water and spoyled the fishing thairof." Charge is therefore given for the compearance of these persons before the Lords of Council at Edinburgh on and also for the citation of witnesses; dated at Edinburgh, 1st August, 1638, and signed JA: PRYMROIS. On the back is noted the names of some witnesses, George Smith, John Morgie and Alexander Cuper, to the service upon William Forbes, younger, and John and James Forbes; and at the Cross Walter Ortoun and the said Alexander Cupar; upon William Leslie and John Forbes, witnesses, William Freman and James Broun.

1st August 1638. Summons at the instance of Mr. Matthew Lumsden of Ruthrieston, bailie of Aberdeen, against Sir William Forbes of Monymusk and others.

14. Note of execution by William Blair, messenger, on 4th August, 1638, at the instance of Mr Archibald Camrone, against George Buchquhanane, younger of that Ilk, personally apprehended in the burgh of Edinburgh, to compear before the Council on 1st November next; witnesses, Robert Spalding, servitor to Mr William Strang, writer in Edinburgh, and Hew Lauder, messenger there. Signed W. BLAIR, messinger.

4th August 1638. Execution against George Buchanan, younger of that Ilk, at the instance of Mr. Archibald Cameron.

15. Note of two executions on 5th August, 1638, by John Straton, messenger, at the instance of William Seatoune of Menie, Patrick Seatoune in Loklae, Ronald Pantoune there, Thomas Robertsone there, and John Hedderweik there, against (1) Nathaniel Keyth of Coklae, Patrick, George and Andrew Davidson there, George Grae, George Scot, Gilbert Smyth there, John Patersone there, Alexander Brig there, Archibald Rob there, William Slaesour, elder and younger there, James Prat there, John Teilyour, William Keyth, Patrick Reid and John Meill, servitors to the said Nathaniel Keith, to compear before the Council at Halirud hous on 21st August instant; witnesses, Andrew Wat, son to Elspet Simsone in Coklae, and William Pantoune, servitor to Patrick Seatoune there; and (2) against George Lang, son to James Lang in Blakhous, and George Michell in Coklae, as witnesses, both personally apprehended; witnesses as above. Signed Jhone Stratone, me^{r}, v^{t} my hand.

5th August 1638. Note of two executions at the instance of William Seaton of Meine and others against Nathaniel Keith of Cooklaw and others.

6th August 1638. Summons at the instance of Sir William Forbes of Monymusk and others against Mr. Matthew Lumsden of Ruthrieston and others to appear before the Council on a charge of assault.

16. Summons at the instance of Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, for his Majesty's interest, and Sir William Forbes of Monymusk, knight baronet, and George Barker and Robert Gibbon, laxfishers, his servants, against Mr Mathow Lumsden of Rudrestoun, and Thomas Lumsden, his son, and other persons after named to compear before the Council on , to answer to the following complaint. In contravention of the laws prohibiting the wearing of hagbuts and pistols and convocation of the lieges on July, 1637, the said Mr Matthew and Thomas Lumsden came to the Water of Dee and to that part thereof where the said George Barker usually attended the complainer's fishing of Laggart and Poldoune (the waters and fishing of which have been in the peaceable possession of the complainer and his predecessors and their tenants past memory of man without interruption), and there "the said Thomas patt violent hands in the said George, threw his nose backward and strake him on the face with suche violence that the blood gushed furth at his eares and nose. Lykeas, upon the day of July last, David Currour, servitor to the said Mr Mathow, at his command and direction came to the said George Barker at the said fishing and after manie threatenings used aganis him if he fished there cruellie strake him on the face to the effusion of his blood. And upon the twentie-seventh day of the said moneth of July the said Laird of Monymusk his servants, being fishing in thair salmound cobills according to thair ordinar custome lippenning for harme nor injurie of no man, it is of truthe that the said David Currour, Williame Smith, Thomas Duncane and Johne Martine, servitors to the said Mr Mathow Lumsden, Thomas Lumsden, his sone, with convocation of our lieges to the number of twentie foure persons or thereby, men and weomen, boddin with swords, stalffes and others weapons invasive and with hacquebuts and pistolets prohibite to be worne, as said is, and with great stones, cudgells, and battouns prepared for the purpose, in thair pretended maner of fishing came with thair salmound cobill and mett the compleanners servants and salmound cobill in the midds of the said water of Dee about foure houres in the morning, being fishing, and drew the said Robert Gibbon, servant to the said compleanner, furth of his said salmound cobill in the water, gave him manie bauch, blae and bloodie straikes with thair saids cudgells in diverse parts of his bodie, thrust him in the water and had almost drowned him therein." The summons is dated at Edinburgh, 6th August, 1638, and is is signed JA: PRYMROIS. On the margin is noted "14 November, 1638, his Majesties Advocat and the Laird of Monymusk, personallie for thameselffes and the rest of the persewers; Mr Mathow Lumisden for himselfe and Thomas Lumisden, his sone, Johne Martine and Williame Smith, his servants; Thomas Duncan personallie, David Curror absent. Mr Mathow craved the Laird of Monymusks oath *de calumnia*. The persuers declared they [past] fra Thomas Duncan [as] a partie and would use him as a witnes."

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17. Notes of two executions by Andrew Dais, messenger, on 9th August, 1638, of a summons at the instance of John Guild, servitor to David, Earl of Southesk, against Sir John Blair of Bagillo, knight (1) at the place of Little Lour, where the said Sir John dwells, and where in his absence a copy was delivered to his lady in presence of James Sime(?), James Morray and Alexander Smith, servitors to the said Sir John; and (2) at the market place of the burgh of Forfar, in presence of James Piggott, Patrick Chrichtoun and John Wobster, indwellers there, and sundry others, charging the said Sir John to appear before the Council at Edinburgh on 16th August instant. (Signed) Androw Dais, messr. 9th August 1638. Notes of two executions of a summons at the instance of John Guild, servitor to David, Earl of Southesk, against Sir John Blair of Balgillo.

18. Note of execution by John Layng, messenger, on 10th August, 1638, of letters raised at the instance of Margaret Stewart, spouse to Captain William Buxtoun, the said Captain William himself, and James Black, their servant, whereby he proceeded to the pier and shore of Leith and there, after three several oyesses in his Majesty's name, discharged all and sundry his Majesty's subjects, especially within the bounds of Orknay and Zetland, from resetting or supplying Patrick Stewart of Gyre, David Tayleour and William Cormouthe, his servants, during their rebellion; witnesses, William Wattirstoun, burgess of Edinburgh, indweller in Leyth, and Harry Weiche, one of the searchers there. (Signed) Jo. Layng, messinger. 10th August 1638. Note of execution at the instance of Margaret Stewart, spouse to Captain William Buxton, and others against Patrick Stewart of Gyre, and others.

19. Note of four executions of summons at the instance of Mr Archibald Cameroun, minister of Inchcallieogh, (1) on 10th August, 1638, by Patrick McAulay, messenger, against George Buchannan, fiar of that Ilk, George Buchannan of Achinmaar, George Buchannan in Gartincaber, Alexander Buchannan of Blairvokie, and John Dow Finlasoun Buchannan in Easter Mains of Buchannan, all personally apprehended; also, the same day against Walter Buchannan of Drummikill, Patrick Buchannan, fiar of Auchinmar, Duncan McFarland of Brachairne, and Alexander Buchannan of Glennie, at their dwelling houses to compear before the Council on 1st November next at Edinburgh; witnesses, Colin Dagleise, Duncan Myller, servitors to the said George Buchannan, fiar of that Ilk, John McNeir, miller at the Mill of Buchannan, George Buchannan, son to the said George Buchannan of Achinmar, and Robert Crokat, servitor to the complainer. (Signed) Patrick McAwlay, messinger; (2) on the same day by the same against William Blair of Fynnich, Edward Buchannan of Spittell, John Ghrame, portioner of Catter, John Buchannan of Ross, William Steward in Kilmaronnok, Duncan Campbell in Portnellan, John Beg Buchannan in Ballindeorne, John Moir Buchannan in Gartencaber, Patrick McMartein in Bollinache and John Hart, officer to the Kirk of Inchcalleogh, all personally apprehended, to compear as above as witnesses in the said cause; witnesses as in the last and signed as above; (3) on 13th August by the same messenger, at the market cross of the burgh of Dumbartan, against the whole persons 10th and 18th August 1638. Notes of four executions of summons at the instance of Mr. Archibald Cameron, minister of Inchcailloch, against George Buchanan, fiar of that Ilk, and others.

above named as charged; witnesses, David Watsoun, town-clerk there, and John Craig and William McKie, merchants, all burgesses there, signed as above; and (4) on 18th August by Thomas Norie, messenger, at the market cross of the burgh of Stirling, against the whole persons charged as above; witnesses, John Williamson, sheriff and town clerk of Stirling, James Robertsone, old bailie, and Alexander Cunninghame, merchants, burgesses of Stirling. (Signed) Thomas Norie, messinger. On the back there is a scroll of the finding in the case, as printed (*ante*, p. 86).

12th August 1638. Certificate testifying that John Campbell of Calder, younger, is incapable of managing his affairs through unsoundness of mind.

20. "Unto the Lordis of his Majesties most honorabill Privie Counsall of the kingdome of Scotland, wee, the persounes undersubscryvers, efter dew tryall and consideratioun takin, doe declair and testifie that Johne Campbell of Calder, younger, being visited by the hand of God, has of lait contracted ane diseas throche melancholie, which contenowes as yit, quhairby he is not perfyt in understanding, being distracted in his wittis, and is not able aither to manage his awin persoun or to governe his estate and affaires aricht by himself in his present condition, which we afferme by the premisses to be of veritie. In witnes quhairof we heve subscrivit thir presentis at the kirk of Killespickerrell in Lorne, the tuelf day of Agust j^{m}vj^{c} and threttie eicht yeires. (Signed) Duncan Oconchoir, fissistioner; Eoin McVharhargh; J. Campbell of Calder; S. Do: Ca. Ardnamorchin; S. A. Campbell of Dunstafnych; Coline Campell off Galcantray; J. Campbell in Dunyveg; J. Campbell in Killespekerrill; J. Campbell; Nicoll McCalman, minister at Kilmoir; A. Kolvorie (M'Ilvorie), minister at Ballavedan; Sr Alex. Campbell off Lochinnel; J. Campbell, fiar of Dunstaffnich; Co. Campbell; Geo. Stewart, servitor to the said John Campbell of Calder; J. Campbell of Bragich."

14th August 1638. Summons at the instance of Margaret Stewart, spouse to Captain William Bruxtoun, and others against William Campbell in Leith.

21. Summons at the instance of Margaret Stewart, spouse to Captain William Bruxtoun, the said Captain for his interest, and James Blak, their servant, against William Campbell in Leith, who resets and harbours Patrick Stewart of Gaire, who has been put to the horn at their instance for not finding caution in the books of Adjournal to compear before the Justice and underlie the law for the "stealing of ane trunke with some silver plait and jewells being thairin," to compear before the Council on at Edinburgh; dated at Edinburgh 14th August, 1638, and signed by Ja: Prymrois. On the margin is noted "21 *Augusti*, 1638; Margaret Stuart personallie, with William Campbel, who being suorne if he knew the letters of intercommoning were execut at that tyme that Patrick Stuart wes in his hous, denied the samyn. Assoilzies William Campbel." On the back is noted as follows:—"John Pothingar, suorne, demandit if he knawis since the tent of August last Patrick Stuart wes ressett in William Campells, depons—On Friday beng eicht dayes the deponer went with his uncle, Edward Meikle, to William Campbells hous, quhair he saw Patrick Stuart, and depons upon oath that since that tyme he never saw him thairafter.

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Thomas Wright, suorne, depons on the tent of August last he saw Patrick Stuart in William Campbels hous but never sensyne."

There is also written on the back an execution of the summons on 18th August, 1638, by James Neven, messenger, against William Campbell personally apprehended, and also Thomas Wright and John Potinger as witnesses, before these witnesses, William Comrie, indweller in Leith, and John Turing, servitor to Sir James Stewart, and Thomas Neven and John Kennedy, weavers in Leith. (Signed) Ja. Neven, messr.

14th August 1638. Supplication by Hew Montgomery, heir of Ezekiel Montgomery of Watlands.

22. Supplication by Hew Montgomrie, lawful son and apparent heir of Ezekiel Montgomrie of Watlands, as narrated *ante*, p. 58. [On the back] "*Apud* Halyrudhous, 14 *Augusti*, 1638. *Fiat ut petitur.* (Signed) HAMILTON, I.P.D." Also a scroll of the finding in the case.

15th August 1638. Summons at the instance of Robert, Viscount of Belhaven, against Robert Donaldson and George Sinclair, officers of Dunbar, and others.

23. Summons at the instance of Robert, Viscount of Belheaven, against Robert Donaldsone and George Sinclair, officers of Dunbar, as narrated *ante*, p. 59, to compear before the Council at Edinburgh on as also against Patrick Brysoun, portioner of East Barnes, Alexander Gulane, portioner there, William Liddell, portioner of West Barnes, and Thomas Thorbrand, merchant burgess of Dunbar, as witnesses; dated at Edinburgh, 15th August, 1638, and signed by JA: PRYMROIS. On the margin is a note of the proceedings in the case, and on the back there is a scroll of the finding on 21st August and on 23rd August.

17th August 1638. Supplication by Sir Alexander Strachan of Thornton.

24. Supplication by Sir Alexander Strauchane of Thornetoun, as narrated *ante*, p. 59. [On the back] "*Apud* Halyrudhous, 17 *Augusti*, 1638. *Fiat ut petitur* to the tent day of September nixtocome, HAMILTON; also note of the finding of the Lords.

18th August 1638. Summons at the instance of Robert, Lord Dalziel, against John Purdie.

25. Summons directed to John Somervell, messenger, at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Robert, Lord Dalyell, as narrated *ante*, p. 63, with this addition in the complaint written upon the margin, "Lykeas the said John Purdie said upon Sunday last to Simervaill that he hard he wes to take some of the defenders roumes frome the Lord Dalyell and desired him to forbear such dealing, otherwayes he vowed to have his lyffe." The summons is dated at Edinburgh, 18th August, 1638, and signed JA: PRYMROIS. On the margin is noted the decreet of the Lords in the case.

18th August 1638. Summons at the instance of Elizabeth Douglas, daughter of Sir Robert Douglas of Blackerston, against Dame

26. Summons at the instance of Elizabeth Dowglas, lawful daughter of Sir Robert Dowglas of Blakerstoun, knight, and granddaughter and heir of the deceased Robert Dowglas of Blakerstoun, "hir gutcher," who was donator to the escheat and liferent of John Stewart of Coldinghame, heritable proprietor of the teinds of the parish of Ednem, and of which teinds she has been in peaceable possession until that this present year Dame Jonnet Lawsone, Lady Ednem, intends to intrude herself therein

Janet Lawson, Lady Ednem.

and by way of "deid, oppression and bangstrie" to debar the pursuer therefrom and leave her nothing "bot ane bare and naked actioun of spoilie or wrongous intromissioun, it being of truethe that the said Ladie Ednem is unresponsall," against the said Lady Ednem to compear before the Lords on 23rd August instant at Edinburgh; dated at Edinburgh, 18th August, 1638; and signed JA: PRYMROIS. On the margin, "27 *Augusti*, 1638, persewer be Mr Robert Craig; defender absent. Remits to the judge ordinar. Ordains both parties to be charged to find caution for keiping of the peace, either of thame under the paine of v^m^ merks; and for this effect ordans letters to be direct." On the back is a note that on 19th August, Edmond Redpeth, messenger, charged the Lady Ednem personally before these witnesses, James Michell and David Cowen. Miscellaneous Papers.

19th August 1638. Note of execution of above summons.

27. Note of execution on 19th August, 1638, by Edmond Reidpeth, messenger, of the immediately preceding summons, against Dame Janet Lawsone, personally apprehended; witnesses, James Michell and David Cowen, servitors to the said Lady. (Signed) Edmond Reidpeth, mess^r^.

19th and 20th August 1638. Notes of three executions at the instance of Robert, Lord Dalziel, against James Somerville in Throughburn and others.

28. Notes of three executions by John Somervell, messenger of the summons, at the instance of his Majesty's Advocate and Robert, Lord Dalyell (No. 25 *supra*); (1) on 19th August, 1638, against James Somervell in Throuchburne, David Bekie there, John Purdie in West Forth, William Inglis there, James Jackson in Stobwood, William Kadzow there, James Blak there, James Somervell there, William Somervell in Hywood, William Schaw there, John Ramsay there, William Somervell in West Sidwod, Hew Somervell there, James Somervell in Umserlaw, John Somervell there, John Liddell in Cauldlaw, John Lin in Auchingraye, Hew Lin there, James Kay there, Walter Somervell in Greenfeild, William Hunter there, Adam Somervell in Tarbrax, and Adam Hunter there, all personally apprehended, and against James Johnestone in Forth, John Schaw in Cruikayes and William Somervell in Grenefeild at thair dwelling places, to compear before the Council day and place within named; witnesses, James Steill in Carnwath, John Elder there, Robert Wyild there, David Girdwood in Carnwath Mill, and David Wilson in Cruikanes; (2) on 20th August, 1638, at the market cross of the burgh of Lanerk, being Monday, the market day of the said burgh, against the said James Johnstone, John Schaw and William Somervell; witnesses, Thomas Somervell, notary in Carnwath, Andrew Allison there, and Ninian Watsone there; and (3) on 20th August, 1638, against James Forrest, notary and messenger in Lanerk, James Somervell, portioner of Newbiging, William Somervell in Umserlaw, and Ninian Watson in Carnwathe, as witnesses, all personally apprehended; witnesses, Robert Somervell in Eirdhouses, John Deanes of Tempilcrukes, Thomas Mosman in Newbiging, Andrew Allison, officer at Carnwathe, Thomas Somervell notary there, James Somervell at Liberton Myl, Hew

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Roxburghe at Anseraikers and James Steill in Carnwath. All three are signed, Johnne Somervell, messr.

29. Supplication by Dame Jonet Lawson, Lady Ednem, as narrated *ante*, p. 60. [On the back] "*Apud* Halyrudhous, 21 August, 1638. *Fiat ut petitur*, the fyftene day of September nixt. TRAQUAIRE, I.P.D." And also note of the finding by the Lords.

21st August 1638. Supplication by Dame Janet Lawson, Lady Ednem.

30. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Oliver, younger, messenger in Edinburgh, as narrated *ante*, p. 62. The supplication is signed by Sir Thomas Hope. [On the back] "*Apud* Edinburgh, 23 *Augusti*, 1638. *Fiat summonitio ut petitur*. S. W. ELPHINSTON. Also note of service of summons on 23rd August, 1638, by William Blair, messenger, against David Mitchell and James Reid, personally apprehended, to compear before the Council to answer to the said complaint, and also against the following persons as witnesses:—John Clerk and James Johnston, two of the ordinary officers in Edinburgh, John Stirling, James Leslie, Alexander Porteous, messenger, and Walter Scot, burgess of Edinburgh, all personally apprehended; witnesses, Hew Lauder, messenger, and Andrew Leslie, cook in Edinburgh. (Signed) W. BLAIR, messenger.

23rd August 1638. Supplication by John Oliver, younger, messenger. Service of summons against David Mitchell and James Reid.

31. Discharge by Andrew Oiswald, merchant burgess of Edinburgh, and John Oliver, younger, messenger there, to David Mitchell, baker burgess thereof, who has been incarcerated in the tolbooth of Edinburgh at their instance until he should enter Thomas Drysdaill, baker, burgess of the Cannogait, therein, in as good estate as when he was apprehended by the said messenger or satisfy the party and pay £20 to John Oliver, who has now made the said satisfaction and payment, and they consent to his liberation; dated at Edinburgh, 24th August, 1638; witnesses, Mr Alexander Dick, writer, John Stirling, messenger, and William Neilsone, W.S., who wrote the discharge. Signed by the discharger and witnesses.

24th August 1638. Discharge by Andrew Oswald, merchant burgess of Edinburgh, and John Oliver, younger, messenger, to David Mitchell, baker, who has been incarcerated in the tolbooth of Edinburgh.

32. Supplication by Coline Campbell, brother of John Campbell, fiar of Calder, as narrated (*ante*, p. 62). [On the back] "*Apud* Halyrudhous, 24 *Augusti*, 1638. The Lords allowis the supplicant to have a care of his brothers person and to intromet with his estate, he being comptable alwayes to the [Lord] Lorne and suche of his brothers freinds as my Lord Lorne sall associat to himselfe; and this act to endure for the space of ane yeere. HAMILTON, I.P.D."

24th August 1638. Supplication by Colin Campbell, brother of John Campbell, fiar of Calder.

33. Summons at the instance of George Stewart, messenger, against Robert Nisbitt, indweller in Dunce, as narrated (*ante*, p. 85), to compear before the Council at Edinburgh on , and also against Thomas Balfour and Richard Anderson in Dunce to appear as witnesses,

21st September, 1638. Summons at the instance of George Stewart,

messenger, against Robert Nesbit, indweller in Duns, and others.

dated at Edinburgh, 21st September, and signed JA: PRYMROIS. On the margin there is a note of compearance on 14th November, 1638; and on the back there is a note of service of the summons on 6th November, 1638, by Willlam D . . . upon Robert Nisbit, personally; witnesses, James Nisbit in Beatricksyd, and James Nisbit, his son; and upon Thomas Balfour and Richard Andersoun in Dunce, personally, on 13th November; witnesses, Robert Lamb, tailor, George Bell, merchant, and James Acheson in Leyte. Miscellaneous Papers.

22nd September 1638. The Original Covenant and General Band.

34. Original Covenant and General Band sworn and subscribed by the Councillors in obedience to his Majesty's command, as printed *ante*, p. 67. (Parchment).

24th September 1638. Notes of two executions by George Maule, messenger, of a summons against Robert Montgomery and others.

35. Notes of two executions on 4th September, 1638, by George Maule, messenger, of a summons against (1) Robert Montgoumrie, personally apprehended, to compear before the Council at Edinburgh on 13th November next; witnesses, Thomas Schewan, notary in Brechine, and Patrik Maule, son of the messenger; and (2) Andrew Wat in Haltoun and Thomas Mountgomrie in Brechin, personally apprehended, to compear as witnesses in the cause; witnesses, Andrew Thomsone, James Miller and Alexander Twedie. (Signed) George Maule, messr.

18th October 1638. Summons at the instance of James Smith against John Fraser, brother of the Laird of Philorth.

36. Copy of a summons directed to Mr George Norie, messenger, at the instance of James Smythe, against John Fraser, brother of the Laird of Philorthe, in the action narrated *ante*, p. 84, dated at Edinburgh, 18th October, 1686, and signed M. G. Norie, messinger. On the back is a note of the hearing on 14th November.

22nd and 23rd October 1638. Note of summons at the instance of Colonel Robert Munro against Captain George Currour of Feinzes.

37. Note of execution on 22nd and 23rd October, 1638, by Archibald Law, messenger, of summons at the instance of Colonel Robert Munro against Captain George Currour of Fainzes to compear before the Council at Edinburgh on 8th November next. As he could not apprehend him at his dwelling place of Feinzes, the messenger passed to the market cross of the burgh of Aberdene, and to the dwelling house of George Cordiner, burgess of Aberdene, where the said Captain George Curror was residing for the time, but the said Captain absented himself, and the messenger left copies of the summons; witnesses at the respective places were Alexander Findley, David Moir and Walter Fraser, indwellers in Feinzes, at the gate of Feinzes, Alexander Farquhar, burgess of Aberdeine, Robert Keith, sometime of Rosehauch, and Stevin Leslie, servitor to the messenger, at the market cross and dwelling house of the said George Cordiner. (Signed) A Law, messr.

24th October 1638. Summons at the instance of Mr. William

38. Summons directed to James Graham, messenger, at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Mr William Cunningham of Brumhill, party grieved, as narrated *ante*, p.

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87, against Walter Buchanan of Drummakill, and the other persons named in the complaint, and also against the following persons as witnesses, William Cunninghame of Cragance, John Leckie, notary, Thomas Gaw in Balliwoll, John Fairlie, Arnefinlay, John Blair, elder, John Blair of Cammoquhill, John McClea and David Thomas in Tounterrick, and William Edmane in Park of Cramnanan to compear before the Council at Edinburgh on ; dated at Edinburgh, 24th October, 1638, and signed JA. PRYMROIS. On the margin is a note of the hearing of the case on 15th November. Attached to the summons is a paper containing notes of four executions thereof, (1) By James Grahame, messenger, on 25th October, 1638, against George Buchanan, fiar of that Ilk, personally apprehended; witnesses, James Leslie, messenger in Edinburgh, and Alexander McBrek, notary there, (signed) J. Grahame, mess^{r}; (2) on 5th and 6th November, 1638, by Thomas Norie, messenger, against Thomas Buchannan of Boquhen, Thomas Buchannan of Carbeithe, John Buchannan, fiar of Carbeithe, Alexander Buchannan, domestic servant to George Buchannan, fiar of that Ilk, Walter Buchannan of Drummakill, John Buchannan of Ross, William Buchannan, his brother, and John McClauchlan of Cuthintroge, all personally apprehended, except Walter Buchannan and Alexander Buchannan; witnesses, William Norie in Stirling and John Yulle in Shillinghill of Balfrone; (signed) Thomas Norie, messinger; (3) by the same messenger on 6th November, 1638, against William Cunninghame of Craigence, John Leckie, notary in Blairquhois, Thomas Gow in Balliewod, John Fairlie in Arnfinllay, John Blair, elder, and John Blair, younger of Meikle Cammoquhill, John McClea and David Thomas in Tomebrek and William Edmon in Park of Cramannane, all personally apprehended, witnesses as the last; and (4) by the same messenger on 10th November, 1638, at the market cross of the burgh of Stirling against Walter Buchannan of Drummakill and Alexander Buchannan, witnesses, Andrew Alexander, uncle to the Earl of Stirling, and John Williamsone, sheriff clerk and town clerk of Stirling. Signed as before.

Cunningham of Brumhill against Walter Buchanan of Drumikill and others.

39. Notes of three executions by William Watt, messeng.er, (1) on 25th and 26th October, 1638, against Sir William Forbes of Monymusk, knight, and William Forbes, fiar of Leslie, at their dwelling houses of Monymusk and Licklieheid, to appear before the Council at Edinburgh, to answer to a complaint by Mr Matthew Lumsden of Ruthrestoun; witnesses, John Mwrgie, servitor to the said Sir William, James Forbes, servitor to the said William Forbes, and Alexander Cowper, servitor to the said Mr Matthew; (2) on 27th October, 1638, against William Forbes, natural son to the said John Forbes of Leslie, personally apprehehded; and at the market cross of Aberdein, against the said Sir William Forbes of Monymusk, and William Forbes, fiar of Leslie; also, against John Forbes of Leslie at his dwelling house of Bauchie, where he has actual residence for the time; witnesses, Sir

25th October-2nd November 1638. Notes of three executions by William Watt, messenger, against Sir William Forbes of Monymusk and others.

William Forbes of Craigiewar, Mr Robert Forquhar and Robert Skein, burgesses of Aberdein, the said Alexander Couper, Walter Ortoun in Auld Aberdein, William Freman at the Brig of Die, and John Mairtin in Ruthriestoun; and (3) On 2nd November, 1638, against John Innes, messenger in Aberdein, Andrew Robertson, tailor there, John Freman at the Brig of Die, Alexander Harrwe there, Thomas Duncan there, John Tarwes in Petmukstoun, and Robert Mathowsone there, all personally apprehended, also against Robert Gibbon, William Gibbon, his brother, at the Mill of Torrie, George Barcar in Leggat, and James Rait, Kincorth, at their dwelling houses, as witnesses in the above matter; witnesses, Thomas Lumsden, student, John Barcar, town officer; Alexander Cuper, John Mairtein and John Wynhouse. (Signed) Williame Watt, mess^r^. Miscellaneous Papers.

27th October–12th November 1638. Notes of four executions of a summons at the instance of Sir William Forbes of Monymusk and others against Mr. Matthew Lumsden of Ruthrieston and others.

40. Notes of four executions of a summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, Sir William Forbes of Monymusk, and George Barcar and Robert Gibbon, lax fishers, his servants, (1) on 27th October, 1638, by Thomas Bruce, messenger, against Mr Matthew Lumsden of Rudrestoun, Thomas Lumsden, his son, and John Marteine, William Smith, and Thomas Duncane, lax fishers, servitors to the said Mr Matthew, all personally apprehended, and against David Currour, lax fisher, also servitor to the said Mr Matthew, at his dwelling house in Rudrestoun, to compear before the Council at Edinburgh on 13th November next; witnesses, Alexander Harrow at the Brig of Dee, John Robertsone, writer in Aberdein, and John Coutis, servitor to the messenger. (Signed) Thomas Bruce, mess^r^., w^t^. my hand; (2) on the same day by the same messenger, at the market cross of Aberdein, against the foresaid David Currour and Thomas Lumsdene, son of Mr Matthew, as above; witnesses, the said John Robertson and John Coutis. (Signed as above); (3) On 2nd November, 1638, by David Kempt, messenger, against John Symer in Balnagask, William Forbes, servitor to James Braines, William Freman at the Brige, John Martin in Rudrestoun, Alexander and Gilbert Wobster, John Traill, Alexander Huchone, and William Auld in Rudrestoun, and Alexander Rait in Kincorth, some personally apprehended and others at their dwelling houses, to compear as witnesses in the above cause; witnesses, Alexander Harrow at the Brig of Dee, and James Harrow, his son. (Signed) David Kempt, mess^r^.; and (4) on 12th November, 1638, by William Mowat, messenger, against Thomas Duncan and John Freman, personally apprehended, to compear also as witnesses in this cause; witnesses, John Forbes of Leslie and William Freman, indweller at the Brig of Die. (Signed) W. Mowat, mess^r^.

6th November 1638. Note of execution of summons by

41. Note of execution on 6th November, 1638, by James Thomsone, messenger, at the market cross of Stainhevine, as head burgh of the sheriffdom of Kincardyne, against James Raitt in Kincorth, Alexander

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Harrowe there, Thomas Duncan there, George Barcar there, and Robert Gibbone there, as five of the witnesses, mentioned in the summons of which service is made, to compear before the Council; witnesses, George Downny in Findlawstoun, and Thomas Dickie in Stainhevine. (Signed) J. Thomsone, mess[r]. James Thompson, messenger, against James Rait in Kincorth and others.

42. Notes of two executions by William Dickesoun, messenger, of a summons at the instance of George Stewart, messenger; (1) on 6th November, 1638, against Robert Nisbet, personally apprehended within his dwelling house in Duns, to compear before the Council; witnesses, James Nisbit, elder and younger in Beatriksyd; (2) on the same day against Thomas Balfour and Richard Andersoun, indwellers in Duns, personally apprehended; witnesses, George Bell, merchant in Duns, Robert Lamb, tailor there, and James Achesoun in Langtoun. (Signed) Williame Dickisoune, mess[r]. 6th November 1638. Notes of two executions at the instance of George Stewart, messenger, against Robert Nisbet and others.

43. "We, Doctor Patrick Dwn, principall, M[essrs] Johne Settoun, Johne Ray, William Aedye and Williame Blakhall, regentis of the Philosophie Colledge of New Aberdeine, under subscryvares, do be thir presentis testefie and declair upoun our conscience and credite to the Lords of his Majesties most honorabill Privie Counsell that Thomas Lummysdane, sone laufull to M[r] Mathew Lummysdane of Ruthrieston, who is now chairgit to compeir befoir the saidis Lordis of Privie Counsell upoun the thretteine day of November instant, is ane student and scholler presentlie in oure said College of the toune of Aberdeine, and cannot convenientlie leawe the said College without his great hurt and prejudice in his studies. Be thir presentis subscryvit with our handis at Aberdeine, the sext day of November, 1638 yeires. (Signed) Patrik Dune, P. principal, M[r] Johne Ray, M[r] Williame Aidie, M[r] Johne Setoun, M[r] Williame Blakhall." 6th November 1638. Declaration by Dr. Patrick Dun, Principal of the College of Philosophy of Aberdeen, and four regents of the said college that Thomas Lumsden cannot appear before the Council without prejudice to his studies.

44. Notes of two executions by William Middiltone, messenger, of letters of treason at the instance of William M[c]Lerine of Strethheure, tutor testamentar to Margaret and Isabel Kennadyis, lawful daughters of the deceased Hew Kennady of Barrelley, (1) On 6th and 7th November, 1638, against Alexander Gordone of Auchchannahye and Alexander Gordone of Gairre, now in the Damis, to compear before the Council at Edinburgh or Glasco on 29th November next; witnesses, Robert Barbour and John Greye in Auchchanahy, Gilbert Vat in Johnisleyis, and Alexander Littilljohn, the messenger's servant; and (2) on 9th November, 1638, at the market cross of Banff, against these persons; witnesses, Alexander Eirsman, skipper in Banff, James Oxbruge, burgess there, and Patrick Schand there. (Signed) Wm. Middilto, mess[r]. 6th and 7th November 1638. Notes of two executions at the instance of William M'Lerine of Strethheure against Alexander Gordon of Auchanachie and others.

45. Summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Mr Matthew Lumsden of Rudrestoun, late 10th November 1638. Summons at

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the instance of Mr. Matthew Lumsden of Ruthrieston, late bailie of Aberdeen, against Sir William Forbes of Monymusk and others for damage done to his fishings and for hamesucken.

bailie of Aberdene, narrating that, in contravention of the law prohibiting the carrying of hagbuts and pistols and convocation of the lieges in arms, on 26th July last Sir William Forbes of Monymusk, John Forbes of Leslie, William Forbes, fiar thereof, William Forbes, his natural son, Walter Forbes, fiar of Tolquhoun, William and Alexander Fraser, servitors to the said Mr William, and others to the number of forty gentlemen, came armed with guns, pistols, swords, staves, axes and other weapons, and with barrows, gavelocks and other instruments, with great convocation of the lieges, to the complainer's lands and fishing of Rudrestoun, and taking out the "dyke and houme" of the ford scattered the water and spoiled his fishing; and then brought down the said Sir William's coble and net from above the Bridge of Dee, where they were in use to fish before, to the complainer's water (where he and his authors have ever been in use to fish), and set out their nets upon the south side thereof, leaving a guard of seven or eight men armed with guns and pistols to attend their fishers and debar the complainer's servants from fishing. Thereafter the said John Forbes of Leslie and his said two sons and others, armed with guns, pistols and swords, came by way of hamesucken to the complainer's dwelling house and searched for him to take his life. "Missing him, they called for his wife, uttered manie outragious threatnings aganis him, saying they sould putt order to him and neaw him, and if he did anie more contest with thame that they sould make his harns light among his eyes." And on the of the same month, as the said natural son was riding past the complainer's fishing he called for David Currour, one of the complainer's fishers, and when he came to him "he cruellie strake the poore man on the head and face, drew a durke quhairwith he had sticked him if he had not fallen backe with the former straikes, and then he presented ane bended pistoll to have shott him if the Tutor of Pitsligo, his brother, had not stayed him." The persons complained upon are to compear before the Council at Edinburgh or wherever they may be on . . . The summons is dated at Edinburgh, 10th November, 1638, and is signed JA: PRYMROIS. On the margin there is a note of the hearing of the case, but it is almost all eaten away. It appears to remit the taking of evidence in the matter to a commission. On the back there is a note of service by George Gordon, messenger, against Monimusk, Leslie, elder and younger, and William Forbes, natural son to Leslie, all personally apprehended; witnesses, Mr Alexander Leslie, W.S., and John Haiste, post.

12th November 1638. Note of execution of the above-noted summons.

46. Note of execution on 12th November, 1638, by George Gordon, messenger, of summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Mr Matthew Lumsden of Radreston, late bailie of Aberdene, against Sir William Forbes of Monymusk, John Leslie of Leslie, William Forbes, fiar thereof, and William Forbes, natural son of the said John, all personally apprehended in the burgh of Edin-

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burgh, to compear before the Council on 13th November instant; witnesses, Mr Alexander Forbes, W.S., and John Haistie, post in Edinburgh. (Signed) G. Gordoun, messr.

14th November 1638. Similar note of execution at the instance of Mr. Matthew Lumsden.

47. Note of execution by John Gordon, messenger, on 14th November, 1638, of a summons at the instance of Mr Matthew Lumsden of Radrieston, late bailie of Aberdein, against Sir William Forbes of Monymusk, John Forbes of Leslie, William Forbes, fiar thereof, and William Forbes, his natural son, whereby he charged John Innes, messenger, Thomas Duncane at the Brig of Die, John Freman there, Robert Mathesone there, Andrew Robertsone there and John Jarwiss there, all personally apprehended within the Abbey of Holyrudhous to compear before the Council at Halyrudhous on 14th instant as witnesses in the said cause; witnesses, Mr Robert Blackwood, minister at Kilberuid (?) and John Fergusson, his servitor. (Signed) G. Gordoune, messr.

14th November 1638. Supplication by Thomas M'Kie, late sheriff-clerk of Wigtown.

48. Supplication by Thomas McKie, late sheriff clerk of Wigtoun, as narrated *ante*, p. 84. [On the back] "*Apud* Halyrudhous, 14 November, 1638. The Lords allowis the supplicant to stay and follow furth this bussines in the countrey till Pashe nixt, he first findeing cautioun to obey the act of banishment after that tyme, and for his good behaviour in the meane tyme, and discharges the executioun of the commission withinwritten for that space. (Signed) TRAQUAIRE, I.P.D." Also a scroll of the decree.

14th November 1638. Depositions in the Dee fishing case.

49. "14 Novembris, 1638, in presence of the Lords Elphinstoun and Napier [Mr Mathow] Lumsden, witnesses. Mr John Innes, messenger, of the age of 24 yeeres, unmaried, demandit if he wes present at the casting of the dyke, depons the day lybellit he saw the Laird of Monymusk with tua of his servants and 20 men or weomen with barrowes takeing out stones out of the water lybellit and he saw ane pistole on one William Forbes Bell and saw none mae pistolets nor suords in the companie, and that the Laird of Monymusk wes standing without anie wapons, cloake or joup lookeing on; and he knawis nothing anent the bringing of the swords; and depons he saw not John Forbes of Leslie nor his sones there. Anent the takeing the compleaners net out of the water and putting in their awne and appoynting armed men to attend thereon depons he knawis nothing.

"Thomas Duncan at the Bridge of Die, of the age of 22 yeeres, maried, depons he saw the Laird of Monymusk and the rest of the defenders accompanied with 12 labouring men and 16 weomen, and depons he saw William Forbes, the Laird of Monymusks jakman, and Alexander Forbes, his servants, also have either of thame ane pistole at their belt the day lybellit, and denyis he saw anie burdens of suords bot these that some of thame had at their belts or anie other wapons.

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"John Freeman at the Brig of Dee, of the age of 22 yeeres, depons he wes at the fisheing the day lybellit and saw the haill defenders accompanied with some of the servants and weomen extending to 12 or 16. Anent the carieing of pistollets and suords depons *conformis præcedenti.*

"Robert Mathesone, of the age of 30 yeeres, suorne, depons *conformis primo in omnibus* except the nomber of the people that caried stons out of the water wes greater, extending to 40.

"Andro Robertsone there, of the age of fourtie yeeres, suorne, depons he wes at the Bridge of Die the day lybellit and he saw Monymusk with 5 or 6 of his men, of whiche Alexander and William Forbess had either of thame ane pistol and John Forbes of Leslie and his sones were away before he came, so as he saw no more.

"John Torres at the Bridge of Die, of the age of 40 yeeres, maried, depones *conformis precedenti in omnibus.*

"The defenders alledgit that the witness aucht not to be ressaved becaus be ane of the executiouns producit quherby they are sumond it is . . . dayes before the raiseing of the sumonds and the other executioun is after the day of compeirance. The Lords examinators remits this to the consideratioun of the Counsell, and lykewayes the witness expenss who come fyve score mylles, quherof tua are horsemen and the rest footmen. And as for that poynt of the complaint anent thair com[ming] in feare of warre to the compleaners hous and threattning [his] wyffe, and anent the strykeing and presenting a pistollet . . . servant David Curror, the compleaner referred the sam[en to] the defenders oath simpliciter."

15th November 1638. Depositions in action by Cunningham against Broomhill.

50. "15 November, 1638, in presence of the Lords Naper and Dalyell, Mr William Cunynghames witness—William Cunynghame of Craigance, of the age of 40 yeeres, sworne, and the lybell being red unto him, depons that the Laird of Buchannan send for him and desyred him to goe to Broomehill and speake him that he would not poynd his tenants might be in the same case that they were in John Grahames tyme; quherupon Broomehill answered that, in respect of his decreits obteaned, he could not continow thame unles Buchannan would produce some right either before lawers or frends, quhilk the deponer haveing reported to Buchannan he replyed that the persewer durst not for his hangeing poynd anie of his goods, and knawis no more of the lybell.

"John Leckie, notar, suorne, demandit if he hard Buchannan utter the boodword lybellit, depons he hard it not, bot depons he saw Buchannan accompanied with 30 or 40 gentlemen boddin with guns and pistolets and produce ane warrand granted be the Lords of Session to Robert Drummond for halding of courts in the lands lybellit and thereupon Buchannan caused the baillie fence ane court and call the tenents, who compeirand confest what they were restand of the dewties of the saids lands, quherupon the baillies gave decreit ordaneing the tenents to pay the same to Robert Drummond; and the court being

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dissolued and the Laird of Buchannan rydeing home he said to Drummakil—'What have wee beene doing here for; there is nothing payed.' Qherupon Drummkkill went backe and spoke the tenants and returned to Buchannan and shew him he sould have content, quherupon the Laird and the tenents met in the afternoone at Dumbreke and brought with thame suche horse, nolt and others bestiall as they had and delyvered the same to Buchannan who ressaved them in Robert Drumonds name in part of payment of the restand dewties confest be thame and decerned be the baillie; and depons he knawis no more of this lybell bot he hes hard be report that some of the tenents hes payed the persewer maills and dewties.

"John Blair, elder, sworne anent the threatneing words, depons he knawis nothing of it, bot depons he saw Buchannan accompanied with 30 or 40 gentlemen boddin with hacquebuts and pistolets and hald a court, creat baillie, and call the tenents and gave ane decreit aganis thame for payment of the restand dewties, quhilk they payed to Buchannan, and the same dewties were poyndit be Mr William Cunnynghame at Lambmes and they promeist to pay him before Hallowmes; depons farder he hes payed to Mr William Cunynghame 50 merks for his dewtie, 4 yeeres since, and 8 sheep this yeeres, and Jonet M^c^Farlane payed other 50 merks, and William Ednem payed 29 lib. to Mr William. Depons the tenents were in use to come to Mr Williams mylne before he acquyred it, and since he acquyred, bot now they are discharged be John Grahame, Buchannans baillie comes not to the mylne.

"15 November, 1638. *Sederunt.*—Tresaurer; Privie Seale; Hadinton; Annandail; Southesk; Dalyel; Justice Clerk. The Lords finds convocatioun and carieing of unlawfull wapons aganis yong Buchannan. Ordanis him to be charged to enter his persone in warde within the tolbuith of Edinburgh and also to desist and ceasse frome troubleing the persewer or his tenents in possession of the lands lybellit, otherwayis then be ordor of law, under the paine of j^m^ lib." Young Buchanan found guilty of convocation of the lieges and charged to enter the tolbooth of Ediuburgh.

51. Original royal letter dated at Whitehall, 15th March, 1639 (Scottish style), about the King's coming to York, printed *ante*, p. 116. Addressed on the back to the Earl of Traquaire, Treasurer of Scotland, and the remanent noblemen and others of the Privy Council of Scotland. 15th March 1639. Royal letter anent the King's coming to York.

52. Original royal letter dated at Beruick, 24th June, 1639, for the admission of William, Earl of Airth, as a member of the Privy Council, printed *ante*, p. 125. Addressed on the back to the Marquis of Hamilton, his Majesty's Commissioner for Scotland, the Treasurer thereof and remanent noblemen and others of the Privy Council. At the foot there is noted, "*Apud* Halyrudhous, 8 *Augusti*, 1639. Presented, red, past, allowed in Counsell, and ane act past thairupon accordinglie. TRAQUAIRE, I.P.D." 24th June 1639. Royal letter for the admission of William, Earl of Airth, to the Council.

17th June 1640.

53. "Intrat upon pannall Katharein Craigie alias Estquoy for the poyntis of witchcraft underwrittin sorcerie and superstitioun underwrittin, viz. Miscellaneous Papers.

Katharine Craigie charged with witchcraft.

"Ye the said Katharein ar indyted and accusit for airt and part of contravening the tenour of the act of Parliament maid be our umquhile dreid soveragne leydie Marie be the grace of God queen of Scotland with advyse of her thrie Estaitis in her nynt Parliament, that quhar they being informit of the heavie and abbominable superstitioun useit be diverse of the leidges of this realme be using of witchcraftis, sorceries and necromancie gevin tharto in tymes bygone against the law of God, and for avoyding and away putting of all sick superstitioun in tyme cumming it was statute and ordanit be the Quenis Majestie and thrie Estaitis foirsaids that no persone or persons, quhatsomever estate, degrie or conditioun they be of, tak upon hand in any tymes thairefter to use any maner of witchcraftis, superstitiones, sorceries or divinatiouns or geve thameselffis furth to any sick craft or knowledge, thairthrow abus- and the people, under the pane of death. And trew it is that the said Katharein hes contravenit the tennour of the said act of Parliament be using and practising of witchcraftis, sorceries and divinatiouns and in geving yourself furth to have sick craft and knowledge, and in companie and societie with the devill abusand the people at diverse and sindrie places and tymes in maner following, and thairfoir and for airt and pairt of the said abhominable superstitioun usit and practisit be yow, aucht and sould be adjudgeit to the death in example of utheris to do the lyk.

"And in speciall ye ar indyted and accusit for airt and pairt of the abbominable superstitioun and witchcraft committit be yow in comeing to Jonet Cragie, spouse to Robert Robsone, alias Costas, hir hous, the said Robert Robsone being deadlie seik, and non that ever cam to visit him expected that he could recover from that sicknesse, ye cam to his hous befor daylight and spak to him (who at that tyme knew nothing that wes done or spoken besyd him for heavie seiknesse) on this maner,

Denyis.

'What, now, Robbie, ar ye going to die? I grant that I prayed ill for you, and now I sie that prayer hath takin effect.' And leaving of farder speaking to him ye said to the said Jonet Cragie on this maner, 'Jonat, if I durst trust in yow I sould know quhat lyeth on your guidman and holdis him doun at the grund, I sould tell whether it wer ane hill spirit, a kirk spirit, or a water spirit that so troubles him,' the said Jonet Cragie answerit you again, schoe sould never reveill anything upon you if ye helped hir guidman. Whairupon ye replyed to hir, 'Well, or the morne at evin I sall witte whether it be a hill spirit, a kirk spirit, or

Denyis.

a water spirit that troubles him.' The nixt morne thairefter ye the said Katharein com to the said Jonets hous befor day and brocht with you thrie stones, which ye put in the fyre, wher they continowed all the day till eftir sonsette, and than ye took thame out of the fyre, laying thame under the threshold of the doore, where they continowed all night till,

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upon the morow tymeous befor sunrysing, ye tuk thame up frome under the said doore threshold and taking a veschell filled with water ye put the stones thairin severallie on after another, of which stones being thus put into the water be you the said Jonet Cragie hard on of thame chirme and churle into the water, wharupon ye said to the said Jonet, on this maner, 'Jonat, it is a kirk spirit which troubleth Robbie your husband.' Thaireftir ye gave the vessell with the water to the said Jonet wherinto ye haid put the thrie stones, and directed her to wasch hir husband thairwith. Denyis.

"Item, for putting of uther thrie stones into the fyre quhar they continowed all the day also till sunsette, at which tyme ye did tak thame out and layed thame again under the threshold of the dure quhar they continowed all that night till, upon the morne tymeouslie befor sunrysing, ye the said Katharein did again tak up the said thrie stones frome under the said doore threshold and did tak a veshell (as ye did the day before) filled with water, wherin again ye put the thrie stones severallie on after another, of which forsaid stones being thus put in the water be you, the said Jonet hard thame again the secund tyme chirme and churle into the water, and thairefter gave hir the vessell with the water and causit hir wasch hir husband with it the secund tyme, quhilk devilrie ye can not deny. Denyis.

"Item, ye ar indyted and accusit for the witchecraft and devilrie committit be you the thrid tyme in takin the stones and putting thame in the fyre till sunsetting and than putting thame under the threshold of the doore all that night, and in the vessell with the water upon the morning thairefter as was done before, and one of the stones chirmed and churled in the water as twyce before it haid done, but wold not geve the said Jonet the vessell with the water to wasch hir husband, as scho haid done befor at your directioun, but ye did wasch him with the water your self, and quhilk devilrie and witchcraft ye can not deny. Denyis.

"Item, ye ar indyted and accusit for the devilrie committit be you in comming to the said Jonet Cragies hous, ye hearing tell that scho had reveallit these proceedings of yours usit upon the said Robert Robbesone hir husband. Scho not being at home, and missing hir, ye said to on of hir children on this maner (as the child reported and as it fell out accordinglie) 'thy mother hes bein tailing tealls of me, but I sall put a buckie in her scheek for that that all hir kinne sall never get out.' So it cam to passe that thair grew a great byle upon the said Jonetis left cheek, which disfigured her face by drawing her mouth up on to hir right eare, as is manifest. Wharupon the said Jonet finding hir self thus tormented scho sent for you and reproved you and said to yow that ye had witched hir, ye answered her again that it was but the trow that haid gripped her, and upon the nixt day thairefter ye cam to the said Jonetis hous befor day and brought with you the trowie glove and folded the same about the said Jonets craig three severall tymes, and upon the thrid day the byle brak; but as all people may see the Denyis.

said Jonets mouth is not as it was wont to be, and quhilk devilrie ye can not deny.

"Item, ye ar indyted and accusit for contravening the tenour of the said act of Parliament for airt and pairt of that abhominable superstition in comming to James Traill in , he being labouring his land, with a vessell full of water in your hand, which ye offered him, desyring him to ressave it frome yow and to cast the same water amongst his bearseed, promising to him if he wold doe that according to your directioun he sould tharby get a good crope of cornes, and quhilk superstitioun and deivilrie ye can not deny.

Denyis.

"Item, ye ar indyted and accusit for airt and pairt of that abbominabill superstitioun for coming to Issobell Cragie, relict of umquhile George Traill of Wesness, ye and the said Issobell being privatlie together and non with yow in the hous of Wesness, ye spak to the said Issobell saying, 'Tell me if ye have a mynd to have Harie Bellendeyne to be your husband, and if yow please I will geve yow a grasse which being usit at my directioun it will caus Harie Bellanden never to have ane other women but your self,' quhilk ye can not deny.

Denyis.

"Item, ye ar indyted and accusit for airt and pairt of the superstitioun in going to Jonet Sclaitters hous, William Floris in Crage her husband being lying seik and said to her, 'Jonet, if ye wold have your husband ressave some littill health (for he will never recover of that seiknes quhilk he is lying in) ye sall go with me about the crosse kirk of Wosbuster and the loche of Wosbuster before sunrysing,' and desyrit hir to keip silens and not to speak a word, quhilk wes done be your devilrie (quhilk ye can not deny).

Confest the going about the logh with hir.

"And generallie ye the said Katharein ar indyted and accusit for contravening the tenour of the said act of Parliament and for airt and pairt of the using and practeising of the witchcraftis, sorcereis and superstitioun abonespecifeit, and geving your self to have sick craft and knowledge, expreslie against the tenour of the said act of Parliament, thairby abusing the people, and that by your cursingis and superstitions ye wrong and hurt men and beastis, quhilkis evills is brocht to pas be your deivilrie and working of the Devill your master, and thairfoir aught and sould underly the law and be adjudgit to the death thairfor in example of utheris to do the lyk.

Denyit.

"Curia vicecomitatus de Orknay tenta apud Kirkwall in templo Sancti Magni ibidem per honorabiles viros Thomam Buchannan et Magistrum Henricum Aitkin, vicecomites deputatos, die decimo sexto Junij, 1640, et affirmata.

'Compeirit the pannell abonenameit and denyit the haill poyntis of dittay abonewrittin, both particular and generall, except hir going about the logh, and could say nothing why scho sould not pas to the tryell of ane assyse.

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"Assisa.—James Hamiltoun in Bigland; Johne Craigie in Swandell; James Alexander in Bankis; Rolland Ingisgar in Ingisgar; Henrie Ingisgar thair; Edward Cristie in Crosbuster; George Alexander in Quendall; Niniane Folsetter thair; Gilbert Reid in Clouk; John Pavie in Bankis; John Winwik in Kirkwall; Thomas Moncreiff, merchand thair; John Linkletter, merchand thair; Patrik Smyth, merchand thair; John Symontone thair.

"Upoun the admissioun and sweiring of the assyse the procurator phiscall askit actis and for ane assyse of errour.

"The assyse passing out of judgment for the maist pairt elected John Linkletter in chancellar, and re-entering all in ane voice clengis the pannell of the haill poyntis alsweill generall as particular, viz., the 1, 2, 3, 4, 5, and sext poyntis, and fyllis hir in the sevint anent the wattering the land in sa far as it is provin that scho said it sould not war James Traill, in the aught anent Issobell Craiges marrying of Harie Bellenden, as also of the nynt anent the going about the logh, and remittis sentence to the judge and doome to the dempstar. (Signed) J. LINKLETTER.

"The judge acceptis the determinatioun of the assyse and continewis sentence to the morne.

"xvij Junij, 1640."

54. Fragment containing draft of a finding by the Council in a process by George Chamber against the Laird of Meldrum, in which the Lords grant their protection to the former to come to Edinburgh and have freedom to go about until 31st March next.

[Undated *c.* 1640.] George Chamber against Meldrum.

55. "Edinburgh, 4 Januar, 1641. In presence of Din—John McGa in Colstoune of the age of 50 yeeres, maried, depons he comeing in the way frome Colstoune he saw on the feilds the Ladie Sneip, Hector Trumbul, Patrick Liddil and Patrick Crawfurd upon the compleaners land, and when he come he saw the compleaner blooding in the head bot knawis not who did wound him. Depons also he saw the compleaners wyffe lying on the ground bot knowis not who strake hir. Depons he saw the defenders within the houses bot knew not whither or not they brake up the doores, onelie he saw Hector Trunbull, Sneips man, halding the compleaners pleuche, and he had a pistol in his belt and vowed to shoot it throw anie bodie that would offer to stirre him..

Edinburgh, 4th January 1641. Depositions anent Lady Sneip and others in the case of assault at Monkrigg. See *ante*, p. 382.

"Richard Pen, of the age of 30 yeeres, maried, depons he dwells in Monthrig in a hous belonging to the compleaners father, who died in harvest last, and payed him sheiring for the mail therof, bot he hes not tane hous of the compleaner bot is to seeke hous elsquher. Depons he knawis the parties and he saw the Ladie, Hector Trumbull, Patrick Liddel, Patrick Craufurd, come to the compleaners pleuche and putt the poore man fra the pleuche, and Hector Trumbull with a tree dang the poore man on the head, feld him to the ground, bled him, and when he

was lying on the ground the Ladie layed on him with a bulls peisell. And depons when the poore mans wyffe offered to hald the pleuch graith the defenders drew her violentlie fra the pleuche and dragged on the ground be space of 16 oxen lenth, rave the clothes aff her, and the Ladie straike her with the bulls pisel. Depons farder that Hector Trumbull tooke the pleuch and held, haveing a pistoll at his syde and sword, vowing therwith to kill the compleaner if he stopped him in kepeing the pleuch. Hee knowis nothing anent the breakeing up of the doors.

"John Wilkie, of the age of 63 yeeres, depons he saw the poore man bleeding, and that the defenders were on the feilds, and had possession of the poore mans pleuche, but the straiks wes given er he come. Depons Hector Trumbul wes holding the pleuche with a pistol at his syde, and knawis no furder.

"William Marteene in Barfute, of the age of 30 yeeres, depons he saw the compleaner yokeing his pleuche, and the Ladie Sneip come with Hector Trumbul and the other defenders come violentlie and dang the compleaner. Depons *in ceteris conformis secundo testi.* (Signed) A. Erskine off Dun."

22nd February 1641. Supplication by Graham of Fintry for a charge to his feuars and heritors to relieve him in the payment of his taxation.

56. Supplication by Grahame of Fintrie, sheriff of Forfar, as follows:—He is charged to make payment to the Collector General of the Taxation granted to his Majesty in June, 1633, of the arrears of the six terms of that taxation, and of this the feuars and heritors should relieve him by payment of 30s termly for each pound land of old extent, but they will not do so unless compelled. He therefore craves letters to charge them therefor upon pain of rebellion. [On the back] "*Apud* Edinburgh 22 February 1641. *Fiat ut petitur.*"

24th February 1641. Supplication by Sir James M'Gill of Cranstoun Riddle, collector-general of the taxation granted to the Senators of the College of Justice in June 1633, for letters to compel all persons to pay the sums due by them.

57. Supplication by Sir James McGill of Cranstoune Riddle, knight baronet, one of the senators of the College of Justice, and collector general of the taxation granted to the said senators in June, 1633, as follows:—The four terms' payment of the said taxation are long since past, and there are several persons addebted therein who refuse to pay the same unless they are compelled. He therefore craves letters to compel all archbishops, bishops, abbots, priors, and all noblemen and others in whose favour the erection of any prelacy or other inferior benefice or portion thereof, whether in lands, kirks or teinds, or in whose favour the patronage of any benefice, kirk or teind is past, and other beneficed persons contained in the tax rolls, and their chamberlains or factors, as also all sheriffs, stewards, bailies, "maires of fie," chamberlains and receivers of his Majesty's proper lands, and their deputes and clerks, and the provosts and bailies of free burghs to pay the sums still due by them. [On the back] "*Apud* Edinburgh, 24th February, 1641, *Fiat ut petitur.*"

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58. "Memorandum of the thrie reasounes gevin be his Majestie for the delay in returning answer to the last demand. 14th September 1641.

1. "That when all our former demandis ar graunted, gif thair shall be place permitted to new propositiounes, then no limittis can be sett to our desyris, bot the same may turne to be endles.

2. "When his Majestie hath graciouslie setled our relligioune and liberties the propositioune of new articles may appeir to forrane princes and estaittis to trinch upon his Majesties honnour.

3. "The same may be takin be his Majesties other kingdomes as ane example and preparative for making propositiounes of the same or the lyke nature.

Three reasons given by his Majesty for delaying his answer to demands made of him by the Estates which met in July 1641.

"Reasones to remove any scrupulls which his Majestie may haif for differing his ansuer to the propositione maid to his Majestie be the Estaittis of Parliament concerning the electione of Officiaris of Estaite, Counsallouris and Sessioneris." (This clause deleted.)

[On the other side of the paper there is as follows]:—"His Majestie thinkis fitt to renew the commissione of the Counsale, with the advyse of Parliament, and thairfoir will shew thame the roll of thair names which he doubtis not bot they will approve, and lykewayis will nominate all the officiaris of Estate that they may have the approbatione of the Parliament; and gif they should tak exceptioune against any persone in particular, he is so confident that they will doe it with so much reasoune, that his Majestie and they shall agrie. Lykewayis he meanis to condiscend upon ane limited nomber of counsallouris which he will not exceid in any tyme to come. And his Majestie myndis to tak the same course with the sessioners, as is abone said for the Counsale, and that Counsallouris, Officiaris of Estate and Sessioners may haif thair places in tyme coming *ad vitam aut culpam.*"

Anent the election of Privy Councillors, officers of State, and Lords of Session who are to be nominated by his Majesty and approved by Parliament.

59. "At the meitting of the nobilitie in the afternoone. 17th September 1641.

1. "That the definite nomber of Counsallouris be knowin.

2. "That such Counsallouris be named as will undertake to attend.

"Gif his Majestie shall be humblie intreated befoir the Parliament tak the list of Counsallouris to consideratione to condiscend upon the definite nomber of the Counsale, yea or no.

3. Gif his Majestie shall be intreated that he may be pleased at the humble desyre of the Estaittis to nominate the officiaris of Estaite befoir the Parliament tak the list of Counsallouris to consideration, yea or no.

"Resolved upon the first questione affirmative, lykewayis resolved affirmative upon the second questione."

Questions to be submitted by the nobility to his Majesty anent the election of Privy Councillors and officers of State.

List of the Privy Council and Lords of Session.

60. "Names of the Counsellouris.

"Erle Lowdoun, Chancellour, p.; D. Lennox, ab.; M. Hamyltoun; Argyle, p.; Marschell; Sutherland, p.; Mar, p.; Mortoun, p.; Eglingtoun, p.; Cassillis, p.; Glencairne, p.; Murray, ab.; Perth, p.; Dunfermeling, p.; Wigtoun, p.; Kinghorne, p.; Roxburgh, p.; Seafort, ab.; Lauderdaill, p.; Louthian, p.; Kinnoull, ab.; Southesk, p.; Wemys, p.; Dalhousie, p.; Finlater, p. Lanerk, p.; Levin, ab.; Arrundell, ab.; Pembrock, ab.; Salisberry, ab.; Holland, ab.; Angous, p.; Lyndesay, p.; Yester, p.; Sinclair, p.; Elphingstoun, p.; Balmerinoch, p.; Burghlie, p.; Almond, p.; Balcarras, p.; Clerk register, ab.; Advocat, p.; Justice Clerk, p.; Theasurer deput, p.; Master of Requeistis, p.; Sir Robert Gordoun of Dreny, p.; Sir Patrick Hepburne of Wauchtoun, p.; Laird of Din, p.; Laird of Innes, p.; Laird of Morphie, p.; Sir William Douglas of Cavers, p.; Laird of Fintrie, ab.; Laird of Dundas, p.; Laird of Cambo, p.; proveist of Edinburgh for the tyme being, p."

"Sessioun:—Lord Innerteill; Lord Comir; Lord Innerpeffer; Sir John Hamiltoun, Justice Clerk; Treasurer Depute; Sir James Lermonth of Balcomy; Sir George Halyburton of Fothrance, Sir John Hope of Craighall; Sir John Scott of Scottistarbet; Sir Alexander Falconer of Halkirtoun, Sir John Leslie of Nutoun; Sir Thomas Hope of Kerse; Sir Archibald Johnstoun of Waristoun; Sir Adam Hepburn of Humbie."

"Extraordinars:—E. Ergyll; Lord Angus; Lord Lyndsay; Lord Balmerinoche."

[On the back] "Louthian, Lindsay, Balerinoch, Cammo, Carse, Warestoun, John Smith, Patrick Bel, Mr Robert Barclay."

[Apparently addressed] "My Lord and in this meane time D[uke] L[ennox] and Richmond."

Privy Councillors.

61. "Lennox; Hamiltoune; Huntlie; Argyle; Marshell; Mar; Airth; Murray; Eglingtoune; Cassillis; Glencairne; Lynlythgow; Home; Pearth; Dumfermling; Wigtoune; Kinghorne; Tullibardine; Gallaway; Seaforth; Lawderdaill; Kynnowle; Drumfreis; Southesk; Wemyis; Finlater; Carnewath; G. Leslie; Angus; Lindesay; Elphingstoune; Balmerinocht; Almond."

"Inglish counsellouris supernumerarie:—Arrandaill; Pembrok; Sallisberrie; Holland; Sir Harie Vayne; Sir Johne Cuik."

"Sir Robert Gordoun; Sir William Douglas, shereff of Teviotdaill; Sir Patrik Hepburne of Wauchtoune; Dundas; Fintrie; Cambo; Dwn; Innes; Morphie; provest of Edinburgh for the tyme."

Officers of State.

"Officeris of Estate:—Chancellar—E. Mortoun; Thesaurer—L. Lowdoun; Privie Seall—E. Roxburgh; Secretarie—E. Lanerk; Clerk Register—Durie; Advocat—Sir Thomas Hoip; Thesaurer deput—Sir James Carmichaell; Justice Clerk—Sir Johne Hamiltoune; Master of Requestis—Sir James Gallaway."

Miscellaneous Papers.

Another list of Privy Councillors.

62. "A list of his Majesties privie councillors.

1. James, Duke of Lenox.
2. James, Marquis of Hamilton.
3. George, Marquis Huntlie.
4. Archibald, Earl of Argile.
5. William, Earl of Marshall.
6. John, Earl of Marr.
7. William, Earl of Airth.
8. William, Earl of Morton.
9. James, Earl of Murray.
10. Alexander, Earl of Linlithgow.
11. , Earl of Hume.
12. John, Earl of Pearth.
13. Charles, Earl of Dumfermeling.
14. John, Earl of Wigton.
15. John, Earl of Kingorne.
16. Patrick, Earl of Tillibardine.
17. Robert, Earl of Roxbrough.
18. Alexander, Earl of Gallowae.
19. George, Earl of Seafort.
20. John, Earl of Lauderdale.
21. George, Earl of Kinnoull.
22. William, Earl of Dumfreiss.
23. David, Earl of Southesk.
24. James, Earl of Finlater.
25. William, Earl of Lanerick.
26. Robert, Earl of Carnwath.
27. Archibald, Lord Angus.
28. John, Lord Lindesay.
29. Alexander, Lord Elphingston.
30. , Lord Lowdoune.
31. , Lord Balmirrinoch.
32. James, Lord Amont.
33. Sir Robert Gordon.
34. Sir Thomas Hop.
35. Sir James Carmichaell.
36. Sir Jo. Hamilton,
37. Sir James Gallowae.

Supernumerarie Councillors.

Thomas, Earl of Arundale.
Philip, Earl of Pemprok.
William, Earl of Salisburie.
Henry, Earl of Holland.
Sir Henrie Vane.
Sir John Cooke.

[15th September 1641.]

Supplication by Sir Patrick Hepburn of Wauchton for a warrant to lead the teinds of the lands of Popill and Auld Haddington, which teinds have been illegally claimed by Mr. James Raith of Edmeistoun.

63. Supplication by Sir Patrick Hepburne of Wauchtoun, knight, to the King and the Estates of this present Parliament, as follows:—He has lately acquired the right of the lands of Popell and Auld Hadingtoun from the Laird of Bass, James Levingstoun of Peill and James Hamiltoun of Skirling, of which lands the teinds were never collected nor led, yet nevertheless, and although it be his Majesty's will and pleasure declared by his decreet and general determination ratified in Parliament "that everie man sall have the teyndis of his owne landis disponit to him, or for the yeirlie payment of the valued dewties thairof," Mr James Raith of Edmeistoun, claiming to be tacksman of the teinds of these lands to Sir William Hamiltoun of Eleistoun, titular of the teind sheaves of the parish of Quhittinghame, has given a factory or tack of these teinds for this year 1641 to Sir Arthur Dowglas of Quhittinghame, knight, who intends "to mak novatioun and to collect and leid the teyndis of my saidis landis this present yeir; quhilk aucht not to be," seeing the supplicant is willing to pay the value thereof, and to find caution for so doing. He therefore craves warrant to lead his own teinds and that Mr James Raith, Sir Arthur Dowglas and all others may be discharged from interfering therewith. There is noted upon the petition as follows, "16 *Novembris*, 1641. This supplica-

tione being moved in audience of his Majestie and Estaittis of Parliament, they remitt the same to the Lordis of Secreitt Counsale." [See a later petition, *infra*, 5th January 1642.] Miscellaneous Papers.

c. September 1641. Supplication by the gentlemen of the stewartry of Menteith for a warrant to the sheriff of the shire to apprehend a certain M'Gregor who is being protected by numbers of his clan.

64. Supplication by "the gentlemen of the Stewartrie [of] Monteith that quhair thair being warrand direct be the Committee of Estaitts for transporting of McGregour, who is presentlie prisoner in Buchannan, trew it is that since the granting of the said warrand the haill name of McGregour have convenit and ly constantlie about the hous of Buchannan. So unles some remeid be provydit he cannot be saiflie removed hither." They crave warrant to the Earl of Callander, as sheriff of the shire, "to convocatt the schyre for transporting saiflie of the said McGregour and his adherents, and dissipating of these who ly about the hous of Buchannan, and doe resist his transporting hither." [On the back.] "The Counsell ordans the shireff of Stirline and his deputs upon sight heirof to pas and sease upon the malefactors within conteaned and to bring and present thame to the Counsel; and that the shireff tak the assistance of all the forces within the shyre. LONDOUN, Can^{ll}rius, I.P.D.

18th November 1641. Supplication by Sir James Galloway, Master of Requests, for an act admitting him to the privilege of his office in presenting all requests to the Council.

65. "To the Right Honorable the Lord Chancellor of Scotland and remuant Lords of his Majesties most honorable Privy Counsell, the humble Petition of Sir James Galloway, knycht, one of his Majesties Secretaryes and Master of the Requests, humbly shewing that his predecessors, Masters of Requests, have had the right expressed particularly in their gifts and the possession of old of presenting all requests (called bills) directed to the Councell, and of late your petitioner was putt in possession therof by the late Clerck of the Councell, Mr Gilbert Primrose, his acceptaace of a deputation thereof from me with the consent of his father, James Primrose, the older, bot joynt clerck with his sonne, wherof there is a double registrat in the Books of his Majesties Counsell. My humble desire therfore is that upon consideration of the premisses your Lordships will be pleased to mak ane Act for admitting me and my deputs into possession of this my right which I offer to instruct according to the narrative of this petition, and heerupon he humbly craveth your Lordships answer."

"Edinburgh, 14th Novembris 1641, presented and red allanerlie, and it being contraverted why the supplicant sould have presented this petition as one of his Majesties Secretaries, the said Sir James declared he wes content to deleit that designatioun of Secretarie, and that he craved the desyr abovewritten as Master of Requeists. (Signed) LOUDOUN, Can^{ll}rius, I.P.D.

18th November 1641. Letter from the Duke of Lennox to the Lord Chan-

66. "My Lord, These two papers which his Majestie hath commanded mee to send to your Lordship were heere presented to him upon his arrivall. By what they containe you will perceive his Majesties returne was not held certaine, now the Parliament is risen and the power of it

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(for what may concerne Ireland) devolved upon the Counsell. His Majestie desires your Lordship to call the Counsell, if you are not mett as you exprest, to remember his birthday, and to what other effects of your affections will bee to adde this one, to perfect the instructions of those noble persons who are to bee sent up to treate with the English Parliament, that they may bee dispatched with them that such timelie resolutions may bee taken as may prove for the good of both kingdomes, and the settleing of a third to that duetie and obedience it ought, which to it will bee a greater happinesse then to prevaile in mischeife. But his Majesties and this whole islands interest in that is sufficient to move all care and dilligence which is his desire to your Lordship to intimate to the Counsell; and after that I may present my owne, that you will please to esteeme me, your Lordships most humble servant, J. LENOX AND RICHMOND. My Lord, some more particulars, His Majestie hath directed my Lord Generall, who at his returne will assist your Lordships in what you will (no doubt) have well prepared. Barwicke, November 18." [Addressed on back] "For my Lord Chancellor." [Also on back] "Edinburgh, 19 November, 1641, presented be the Chancellor and ordanit to be registrat. (Signed) LOUDOUN, Can^{ll}rius." Chancellor, forwarding two papers from his Majesty.

67. Copy of the act of 18th November, 1641, for the reconstitution of the Council, giving the names of the councillors and the oaths taken by them, but omitting the commission. Signed by LOUDOUN, Can^{ll}rius, I.P.D. (*See* p. 142.) 18th November 1641. Reconstitution of the Council.

68. Scroll of the act of Council respecting the protestations by Sir James Galloway and Archibald Primerose, as printed *ante*, p. 149. Sir James Galloway and Sir Archibald Primrose.

69. "Apud Edinburgh, 18th November, 1641." Notes of business— (1) Act recording the commission of the Council and taking of the oaths by the councillors. (2) Act admitting Archibald Prymrose as Clerk of the Council, etc. (3) Act anent the protestations by Sir James Galloway and Archibald Primrose. (4) As follows:—The quhilk day the Lord Chancellor exhibit and produced the commission of Counsell underwritten, quhilk being red in presence of the Counsell, they ordaned the same to be registrat in the books of Counsell and proclamatioun to be made thairof, quhairof the tenor followis:—(5) Act anent the payment of the soldiers, as follows:—"The Lords of Secret Counsell thinks fit that some present course be taken for procureing money to pay the souldiours that are yit undisbandit and in the meane [tyme] that some commissioners be sent to the Parliament of England to treat anent a supplee to be sent for these in Ireland. And accordinglie the Lords made choise of the Erle of Louthian and Lord Lindsay to goe with this commission. And in the meanetyme appoints the Lord Chancellor, the Marquis of Argyle, the Earle of Eglinton and the Lord Balmerino and Almont, with the Lord Generall, when he comes, to meit and thinke Notes of various Acts of Council.

upon these instructions and conditions of the commissions that is to be sent; and to report to the Counsell thair opinion thairanent on Saterday nixt." (6) Act for dealing with Sir William Dick for money to pay the soldiers. (7) "The Lords continowis Sir Donald Gorim and till Saterday, and commandis thame to appeir before the Counsell."

[Also on the same paper]—

"Edinburgh, 22 Novembris, 1641. To be callit.
The Earle of Finlater and the Lord Ogilvie.
The burgh of Wigtoun *contra* the Earle of Galloway.
Johne McCulloche and others *contra* the Earle of Galloway.
The Laird of Harthil *contra* Patrick Leslie.
Sir Donald Gorim.
John Stuart of Coldinghame *contra* Sir Robert Dowglas."
Also a scroll of the Lords voting.

19th November 1641. Caution for Lieutenant-Colonel Alexander Stewart.

70. Original Bond of caution for Lieutenant-Colonel Alexander Stewart, printed *ante*, p. 154. [At the foot] "*Apud* Edinburgh, 20 Novembris, 1641. Presented, accepted in Counsell and ordaned to be registrat. (Signed) LOUDOUN, Can^llrius, I.P.D."

Edinburgh, 19th November 1641. Proclamation anent his Majesty's pewter plate and other household stuff which have gone amissing.

71. "At Edinburgh, 19 November, 1641. Forsameikle as there is certane quantitie of his Majesies plait, peulter and other houshold stuffe in missing by the carelesse and negligent keeping of these to whose charge the same apperteand and is keept up be some persone to thair awne privat use, thairfore the Lords of Secret Counsel ordains maissers [and] heraulds to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamation to command and charge all and sundrie persons in whose hands anie of his Majesties plait, peulter or other houshold stuffe now in missing is to bring in and delyver the same to the Thesaurer depute within 24 houres after the publication heirof under the pane to be persewed and punished therefore as theeves. (Signed) LOUDOUN, Can^llrius, I.P.D.; ARCH. PRIMEROSE, Cler. S. Cons."

[On the back] "Upone the tuentie day of November the yeir of God j^mvj^c and fourtie ane yeirs, I, James Currie, Ilay herald, past to the mercat croce of Edinburgh and be sound of trumpett and oppine proclamatione proclamit this within writtine warrend befoir thir witnesses, Johne Malcome, Ross herald, Merk Smyth, trumpitter, and for farther witnessing heirof subscryveit with my hand my stampe is affixt. (Signed) J. CURRIE, Ilay herald."

22nd November 1641. Letter to his Majesty anent Sir James Galloway's assumption of the designation of Secretary of State.

72. "Most sacred soverane, Upon the presenting of a petition to the Counsell be Sir James Galloway, Master of Requests, tuicheing the right acclamed be him be vertew of his place of presenting bills to the Counsell, quherin he designes himself one of your Majesties Secretaries, wee have takin occasion to represent to your Majestie that notice wes taken that anie sould presoome to take titles or names of offices to thameselves

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in prejudice as they conceave of the act of Parliament recentlie made anent the election of officers of estate; and, sieing acts of this kynde may breid jealousies in your subjects of the favor your Majestie and the Parliament hes bestowed on thame, wee ar earnestlie to entreat your Majestie out of your royall wisdome to give suche order heiranent as there may be no prejudice done to these acts whiche your Majestie hes beene pleased out of your goodnes and justice to grant to your subjects, quhill is the humble desyre of y . . . ."

"Edinburgh, 22 Novembris, 1641. *Sederunt*:—Chancellor; Argile; Sutherland; Eglintoun; Cassillis; Glencarne; Seafort; Lauderdaill; Southesk; Finlatter; Balcarres; Clerk Register; Advocat; Tresaurer Deput.

Letter to his Majesty announcing that the Earls of Lothian and Lindsay have been dispatched to his Majesty to confer with him anent the proposals contained in the two papers forwarded to the Lord Chancellor. See *ante*, p. 482.

"Most sacred soverane. In obedience of your Majesties command direct be the Duke of Lenox to the Lord Chancellor, and be him signified to us, we have takin the declaration and instructions therewith sent hither to our serious consideration and out of the sense of that dewtie we owe to your Majestie and respect we carie to the Parliament of England we have presentlie dispatched the Erles of Lothian and Lindsey (whome we earnestlie recommend to your Majesties favorable acceptance) to represent to your Majestie and the Parliament thear such articles entrusted be us to thame as we conceave will conduce most to your Majesties service and accelerating our expedition to Ireland; and we ar with all speed going about such preparations as may farther the same and sall omitt nothing quherby we may testifie our affection to your Majesteis service and readines to performe your royall commandements as becometh, etc. *Subscribitur*, Loudoun, Can[rius]; A. M. Argile; Southerland; Eglintoun; Cassiles; Glencarne; Seafor; Lauderdaill; Southesk; Dalhoussie; Lanrik; Balmerinoch; Balcarres; Advocat; Treasurer Deput; S. R. Gordoun."

[Endorsed] "Letter from the Councel to the King with Lothian and Lindsay, 22 November, 1641."

22nd November 1641. Draft of act of Council for the dispatch of the Earls of Lothian and Lindsay to his Majesty.

73. Draft of the act of Council, dated 22nd November, 1641, granting a commission to the Earles of Lothian and Lindsay to go to Court, as printed *ante*, p. 155. There is a hiatus in the Register of Acta in this act, and the remainder is here supplied.—"Who ar to repaire to the Kings Majestie and the Parliament of England with all possible diligence to the effect they may prepare the bussines till the full number of the commissioners (at the least the quorum thairof who ar shortlie to follow) be present, with whom the said commission from the Parliament, exemplified and authorized under his Majesties great seal of Scotland, sall come in solemne and authentick forme. (Signed) LOUDOUN, Can[ll]rius, I.P.D."

22nd November 1641. Charge to the Director of

74. "The Lords of Secreit Counsell ordanis and commands Sir John Scot of Scottistarvett, Director of the Chancellarie, to write to the great

Chancery and the Lord Chancellor to seal the commission to certain nobles to treat with the commissioners of the Parliament of England.

seale the commission of the late Parliament granted to certane noblemen and others for repairing to England to treate and conclude such articles with the commissioners to be appointed be the Parliament of England as ar not yett concluded in the late treatie and others particulars conteanned in thair commission; and ordains John, Erle of Loudoun, Lord High Chancellor of this kingdom, to append the said great seale thereunto, quhereanent the extract of this act sall be to thame ane warrand."

Dispute between the Earl of Findlater and Lord Ogilvie.

The above is written on the back of the upper half of Letters of Charge, narrating that the Lords of Privy Council are informed that there is some appearance of trouble like to fall out between James, Earl of Finlatter, and , Lord Ogilvie, which may lead to a breach of the peace, and ordaining both parties to be charged to compear before the Council on January next; and meanwhile to keep the peace and not send nor accept cartels or challenges to or from one another under a penalty of 10,000 merks. For this they are to find caution. [This is evidently connected with the act in the middle of which the foremention hiatus in the Acta ends.]

23rd November 1641. Charge to James, Earl of Findlater, and Lord Ogilvie to appear before the Council on the 24th of January next and meanwhile to keep the peace.

75. "*Apud* Edinburgh, 23 *Novembris*, 1641. Forsamekle as the Lords of Secreit Consell ar informed of some appearance of trouble likelie to fall out betuix James, Erle of Finlatter, and , Lord Ogilvie, which may tend to the breake and violation of his Majesteis peace if the same be not tymelie provided [*sic*], thairfoir the Lords of Secret Consell ordains letters to be direct charging the said Erle of Finlatter and Lord Ogilvie personallie at thair chamber within the burgh of Edinburgh or Cannogait to compeir personallie before the saids Lords upon the 24 day of Januar nixt to underly such order as sall be tane with thame be the saids Lords tuicheing the peace of the countrie under the pane of rebellioun; with certificatioun; and in the meane tyme to command and charge both the saids parteis that nane of thame presoome nor take upon hand to invade, trouble nor molest one another otherwayes nor be order of law and justice, under the paine of ten thousand merkes; etc."

30th November 1641. Sitting of the Exchequer.

76. Copy of the act of Council as to the sitting of the Exchequer, printed *ante*, p. 157. (Signed) LOUDOUN, Can^{ll}rius, I.P.D. ARCH. PRIMEROSE, Cler. S. Cons.

30th November 1641. The Earl Marischal and the Honours.

77. Supplication by William, Earl of Marishall, as to the honours, printed *ante*, p. 157; with the Lords' finding thereupon signed by LOUDOUN, Can^{ll}rius, I.P.D.

30th November–2nd December 1641. The Commission for England.

78. Scroll of the Minutes of Council of (1) 30th November, 1641—only adding as follows:—"*Apud* Edinburgh, *ultimo Novembris*, 1641. To mend the narrative of the commission and to make mention that it hes bene remitted be the Parliamennt to the Consell."

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"The Lords recomends to the Lord Chancellor to grant a comission for visiting the old universitie of Aberdene foundit be Bishop Gawin Dunbar, comanding thame to report that the Lord Chancellor with advyce of the Counsell may give order thairanent." Commission for visiting the Old University of Aberdeen.

(2) 1st December, 1641—Scrolls of the Sederunt and the act after-mentioned relating to Sir Thomas Hope of Kerse. Sir Thomas Hope of Kerse.

(3) 2nd December, 1641—Scrolls of the Sederunt.

(4) A scroll of the act of Council passed on 3rd December, 1641, as to receiving caution from the Earl of Traquair, and a marking of the voting—being nine for receiving with the Advocate's qualification, and two for receiving simply. Also the following:—"The Lords dismisseth Sir Donald McDonald of Slait and gives him leave to goe home." Earl of Traquair.

79. "The courtis hauldin be ane nobill erle, James, Erle of Murray, Lord Doune, and Abernethie, etc., Sir Robert Innes of that Ilk, knicht barronet, Alexander Dunbar of Westfeild, shireff principall of Elgin and Forres, Thomas Mackeinzie of Pluscarden, Robert Cuming of Altyr, and Robert Lesley of Finressie, within the tolbuith of Elgin upon the 9, 10, 11, 23, 24 and 25 dayis of February the 4, 12 and 18 dayis of Mairche respective, the yeir of God 1641 yeiris, conforme to ane commissione direct theranent from the Committie of Estaittis the day of December, 1640 yeiris; the sectis callit, the courtis laufullie fensit and affirmit, as wse is. Edinburgh, 1st December 1641. Trial by a commission, which met in the tolbooth of Elgin, of persons accused of resetting the Clan Gregor.

"Johne Chalmer, notar publict, burges of Elgin, creat clerk, Mr James Annand, notar publict, burgess there, procurator fischall, William Cuik, messenger, creat officer, and William Ross, dempster, quha hes gewin ther aithis *de fideli administratione* ay and quhill they be dischairgit.

"Duncan Grant in Waster Elcheis, being accusit for ressetting, supplying, mantening the Clangregour and other brokin men in meat, drink, money, weapones, ludging or intercommoning, being suorne, deponit that sextein or therby of the Clangrigour cam to his house, his wyff lying in chyldbed, in his absence. and they causit mak readie thair supperis and went away befor he came hame, but could not cleir himselff of intercommoning with them. Convict in fiftie pundis money.

"James Grant there, being suorne, deponit that Johne Dowe, younger, with sex men with him cam to his hous in his absence and knewe nothing thereof bot wes in Elgin quhen they cam, and also confest intercommoning with the Clangrigour at the kirk of Skirdurstane, and confest he drank with them in Thomas Gillimichells hous there. Convict in fiftie pundis.

"James Hay in Auchrosk, being suorne, deponit that Johne Drummond send to him for supplies, and he send him ane dollour and they cam tuyse to his hous. Convict in tuentie pundis.

"William Gilbert in Wester Elcheis deponit negative; nevertheles prowin guiltie be Duncan and James Grantis in Elcheis. Convict in ten pundis.

"George Lesley at the Boitt of Elcheis, being sworne, deponit that the Clangrigour tuik his boatis at thair awin handis, boastit his wyff and drank his aill and payit nothing therfor; yit notwithstanding he is prowin guiltie be the saidis Duncan and James Grantis. Convict in tuentie merkis.

"Johne Oig McPhersone in Boighead of Eingzie, being suorne, deponit that thrie nicht efter Michelmes day last tua brokin men ludgit with him, and alse he confest intercommoning with the Clangrigour at desyre of utheris, and declaire he intercommonit with them the night befor Johne Dowe Gair wes killit, and that he drank with them in Mathisones hous in Farnachtie in Eingzie. Convict in tuentie pundis.

"Alexander Cuming in Hauche of Dundurcus, being sworne, confest that fourtie of the Clangrigour or thairby cam to his hous thrie yeiris since or thairby and wes forcit to gewe them ane firlot (?) of maill; and declairit thair cuming wes by his knowledge; and alse confest they cam to his hous another tyme when they returnit fra the persewing the salmond fischeris of Spey at Gairmoche and tuik him out of his bed and haid him to the Craig of Sourdane and then dismist him. Convict in tuentie pundis.

"Gilbert Barclay in Allenboy, being suorne, he never ressett them nor supplyit them, but confest that being in company with James Gordoune of Birkinburne and George Adamsone of Braco in James Fordyce hous in Keith thair cam in old Johne Dowe with ane number of men and he drank with them before Martimes, 1639 yeiris, and he payed nothing for the drink, nether wes thair cuming to his knowledge. Convict in fiftie pundis. (Added in another hand)—"James Gibsones tennentt."

"Johne Hamiltoune in Boighead deponit they cam anes to his hous in Auchbeigis in his absence and tuik thair supperis, being young Johne Dowe, being sextein in company thrie yeiris since or thairby. Convict in ten pundis.

"William Hay in Mulben, being suorne, deponit he never ressett them nor supplyit them bot wes brocht to his hous be his nighbouris and dang him and abusit him and tuik half ane dollour out of his breikis; and declairit it wes Johne Stronoche, younger, thair, that brocht them to his hous. And lykways William Hay is prowin guiltie be James Hay in Mulben, George Hay thair and James Hay in Auchrosk. Convict in ten pundis.

"Androw Thomsone in Boighead deponit negative, yit confest he drank with Johne Dowe, younger, in Thomas Duffis hous in Strathbogie. Convict in ten pundis.

"Thomas Dumbrek in Dundurcus, being sworne, confest that he schuik handis with the Clangrigor at the Craig of Sourdane, and thair-

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efter gawe them ane dollour and supplyit thair wyffis and pairties with wittall; and lykwayis prowin guiltie be Alexander Cuming. Convict in ten pundis.

"George Yevine thair, William Duncan thair, David Allan thair, and Issobell Mein thair, all prowin guiltie be the saidis Alexander Cuming and Thomas Dumbrek that they contrabute [*sic*] moneyis to the Clangrigor and supplyitt thair wyffis and pairties with wictuall. Ilkane of them convict in ten pundis.

"Gawin Milne in Gerbettie, being suorne, deponit he never ressett themselffis but supplyit thair wyffis and pairties with wittall; and declairit he gave them tua dollouris for his guidis wes takin away. Convict in tuentie pundis.

"Johne Milne thair deponit negative, yit neverthelese is prowin guiltie be Gavin Milne and utheris his nighbouris. Convict in tuentie pundis.

"Johne Tailyeour in Carntie, being suorne, confest they tuik tuell shillings at ane tyme fra him, and another tyme he went to James Gordounes hous in the Brigge with them and he and Gilbert Mitchell, his nighbour, payit 30s. for meat and drink to them, quhilk Gilbert Mitchell confest. Ilkan of them convict in ten pundis.

"Androw McKimmie in Balnabruiche deponit negative, yit prowin guiltie be the saidis James and George Hayis. Convict in tuentie markis.

"Johne McKimmie thair deponit negative, yit prowin guiltie be the saidis James and George Hayis. Convict in tuentie markis.

"James Mougache, elder thair, being suorne, deponit Johne Drummond cam to his hous and himself absent, and confest he gawe them 13s., and alse prowin guiltie be James and George Hayis. Convict in ten pundis.

"James Mougache thair deponit negative, yit prowin guiltie be James and George Hayis. Convict in tuentie markis.

"Patrik Clerk upon his awin confessione convict and alse prowin guiltie be James and George Hayis, James Hay in Auchrosk and George Scherer. Convict in ten pundis, (Added in another hand)—"James Gibsones man."

"George Scherer convict upon his awin confessione that he drank, mett and intercommonit with them, and confest he drank with them in Patrik Clerkis hous. Convict in fourtie markis. (Added in another hand)—"James Gibsones tennentt."

"Johne Clerk in Belnabruiche confest he intercommonit with them and gave them meat and drink, and alse prowin guiltie be James and George Hayis, and James Hay in Auchrosk. Convict in ten pundis.

"Johne Wentoune in Mulben deponit they were never in his hous, but declairit he met with them and intercommonit with them in Johne Robisones hous at the Muire of Rynie about the fair of Auchindor the last yeir. Convict in ten pundis.

"Patrik Milne, milvart in Mulben, deponit that Johne Dowe cam to

his hous and drank tua or thrie pyntis of newe aill; and alse prowin guiltie be James and George Hayis. Convict in ten pundis. Miscellaneous Papers.

"Robert Yevine thair deponit that thrie of them cam within his dores but got nothing; and confest they cam again to his hous and tuik 14s. out of his pouche. Convict in ten pundis.

"James Duncane thair deponit that ten dayis or Johne Dowe wes killit they cam to his hous and tuik thrie bear bannokis and ane pynt of milk, and alse prowin guiltie be James and George Hayis, James Hay in Auchrosk and Patrik Milne. Convict in ten pundis.

"Androw Duncan thair deponit that thrie of them cam upon him, viz, Duncane McGrigour, Johne Gordoune and ane dummie and tuik half ane hyd fra him, and alse prowin guiltie be James and George Hayis and Patrick Milne. Convict in ten pundis.

"Johne Robertsone in Breaben, being suorne, confest they cam to him tua yeiris sensyne and he gave them half ane dollour and sum turnouris, and alse confest he gawe ane pek of maill to wtheris of them, quhilk quhen it wes brocht to them they wold not tak it; and alse prowin guiltie be James and George Hayis and James Hay in Auchrosk. Convict in ten pundis.

"Robert Simsone thair confest he gawe them xx s. and maill and declairit they bled his wyff, and alse prowin guiltie be Patrik Milne, Robert Yevine and Johne Robertsone. Convict in ten pundis.

"Johne Rattray in Gairlen deponit that the night James Hayis hous wes brokin tua lounes cam doune fra the hill and causit fill tua pyntis of beir and troublit tua of my Lord Forbes men, and alse prowin guiltie be James and George Hayis and James Hay in Auchrosk. Convict in ten pundis. (Added in another hand)—"James Gibsones tennentt."

"George Tailzeour in Towe confest intercommoning with them and confest he gawe them ane bonet and they keist the bonet bak again being without the hous. Convict in ten pundis.

"James Hay, cordoner thair, deponit that 4 yeiris syne they came and herried him, being 14 men in number, and tua yeiris syne Duncan McGrigour, Johne Gordoune and utheris cam to his hous again and gawe them nothin, yit prowin guiltie be Robert Yevine. Convict in ten pundis.

"Johne Chalmer in Auldchasthe deponit that thrie yeiris bygane at Fastingis Ivin allewin of them cam to his hous and would have four dollouris perforce fra him, and declairit he wes forcit to borrowe halff ane dollour fra ane puir wyff in the toune, callit Jonet Hay, and thairefter auchtein of them cam, himselfe being absent, quhen they cam fra persewing the salmond fischeris of the watter of Spey at the Gairmoche. Convict in ten pundis. (Added in another hand)—"James Gibsonnes tenentt."

"James Hossak in Fochabirs, being sworne, confest that the Clangrigor wes brocht to his hous be Johne Oige ane nicht befor Johne Dowe wes killit, being 18 men in number; and alse prowin guiltie be Johne Oig and Johne Hamiltoune. Convict in tuentie punds.

Miscellaneous Papers.

"Thomas Grant in Croftis of Kirdellis, being sworne, deponit that he never supplyit them, but confest at Inchebrokis desyre he spak with Duncan Gair, and confest he intercommonit with old Johne Dowe sundrie tymes. Convict in ten pundis.

"Patrick Dollace in Glenairder confest intercommoning with them on the hie way. Convict in ten pundis.

"William Grant of Kirdellis confest the ressett of Patrik Oig at Andersmes, 1639 yeiris, and confest intercommoning with Duncan Gair at Dumphaillis desyre in Thomas Gordounes hous in Inveravin. Convict in fourtie pundis.

"William Grant in Auchnahoungen confest intercommoning with them. Convict in tuentie pundis.

"William Innes in Mulben, being sworne, declairit that Johne Dowe cam to his boundis in October 1639 yeiris and send in ane boy to him, he being in his corneyaird, and he intercommonit with him. Convict in tuentie pundis.

"Robert Lesley in Dundurcus deponit that sex of them cam upon him ane nicht and brak up his dores and said they got ane dollour fra him, quhilk he wes forcit to give them. Convict in ten pundis.

"William Gray in Daigenis, being sworne, confest that upon Sanct M°Ruiffis day last Johne Drummond with sevin with him cam to his hous and brak his dores and tuik his awne schone aff his feit with tuentie s. fra his wyff; and confest he fillit ane coig full of aill to them, quherof they drank littill, and confest intercommoning with them and drinking with Johne Drummond in Farquhar Mulliardis hous. Convict in ten pundis."

"Alexander Brouster in Croknacroy, being sworne, declarit that thrie of them fell upon him and tuik tuell s. of turnouris fra him; and alse prowin guiltie be William Innes in Mulben. Convict in ten pundis.

"Alexander Schand in Gairlen, being sworne, confest intercommoning with old Johne Dowe, and they tuik him to ane ailhous and drank with them, being on Sonday in tyme of preaching. Convict in tuentie markis. (Added in another hand)—"James Gibsones man."

"Farquhar Garrowe in Elcheis, being sworne, deponit that fyve yeiris since Johne Dowe, elder, brak his hous and spuilyeit him; and also is prowin guiltie be the saidis Duncan and James Grantis. Convict in ten pundis.

"Thomas Durstane in Dandaleith deponit negative, yit prowin guiltie be William Gray. Convict in ten pundis.

"Thomas Yevine in Dagenis deponit that Johne Drummond, with sex with him, cam to his hous on Sanct M°Ruiffis ivin last and drank thrie pintis aill and went instantlie away and payit nothing for it and confest he intercommonit with them quhen they tuik away his guidis and declairit they tuik sevin head fra him and he gave them sex dollouris for sex head and they killit ane. Convict in ten pundis.

"Donald Moir in Elcheis *juravit* negative, yit prowin guiltie be Duncan and James Grantis. Convict in ten pundis.

"William Proctor thair deponit they brak the gavill of his hous and pantrie dore tua yeiris since and spulyeit him and confest intercommoning with them in Skirdurstan; and alse provin guiltie be Duncan and James Grantis. Convict in ten pundis.

"William Stewart at the Boit of Boig, being sworne, declairis he never resset brokin men to his knowledge, except fyve or sex of them cam in the day Johne Dowe wes killit and his wyff gave them meit and drink; and alse confest that ane fidler of the Clangregouris cam to his hous and wes at his dochteris mariage. Convict in tuentie pundis.

"Thomas Cruikschank in Elcheis deponit he never resset brokin men, yet confest that Duncan Gair and Johne Dowe Gair came to his hous and tuik him with them to Archibald Stewartis hous at the boit of Skirdurstane and keipit him thair ane nicht and causit him drink and eat with them, and alse confest intercommoning and meiting with them at uther times, and alse prowin guiltie be Duncan and James Grantis. Convict in ten merkis.

"Johne Jacksone in Fochabirs of Eingzie deponit that thrie of them cam and tuik him and tuik his bygirdill fra him, with fiftie markis money, and they cam to James Hossakis thair and they gave him his money again and thairefter he wes forcit cum to James Hossakis hous and gave them ane quart aill, prowin guiltie be Johne Oig. Convict in ten pundis.

"William Logane in Ardiquhische, being sworne, confest that the day old Johne Dowe gair wes killit sex of them forcit him to put them ower the Watter of Spey and confest he yeid as commissioner for the Clangrigour to the Gairmoche to requyre ane compositione fra them in name of the said Johne Dowe gair and utheris his complices. Convict in tuentie pundis.

"Thomas Cuming in Elcheis, being sworne, deponit that xviij of the Clangrigour cam to his hous sex yeiris sensyne and tuik his hous, himself being absent, at last with difficultie cam in and wes forcit to give them thair supperis and brekfast on the morne and confest intercommoning with them sundrie tymes. Convict in ten pundis.

"Johne McWilliam thair, being sworne, confest four yeir since Johne Dowe cam to his hous and sought meat, and he offerit bread and milk, quhilk they wold not tak and went away; neverthelese prowin guiltie be Duncan and James Grantis. Convict in ten pundis.

"William McWilliam McKiane thair, being sworne, confest intercommoning and drinking with them in Johne McCagies at ane brydell; also prowin werie guiltie be Duncan and James Grantis. Convict in tuentie markis.

"Androw Hay thair, being sworne, confest he ressett ane of thair wyffis and bairnes ane yeir since or thairby and gave hir meat with ane corne maill; and alse prowin guiltie be Duncan and James Grantis. Convict in ten pundis.

Miscellaneous Papers.

"Robert Lagane thair confest intercommoning with Allester McAndie Voir at the brydell in Johne McCagies; as also prowin guiltie be Duncan and James Grantis. Convict in ten pundis.

"William Hay in Easter Elcheis, being suorne, deponit they herried him oft within this sex yeiris, and anes auchtein of them cam to his hous and tuik sic meat as wes readie, and is prowin guiltie be Duncan and James Grantis. Convict in ten pundis.

"Johne Gray thair, deponit negative, and notwithstanding prowin guiltie be Duncan and James Grantis. Convict in ten pundis.

"James Muckill thair, deponit negative, and notwithstanding prowin guiltie be Duncan and James Grantis. Convict in ten pundis."

Rothes.

"Patrik Lesley in Petteddertie, being suorne, confest that Johne Dowe, being ane day in Dundurcus, send ane man to him to seik silver, and the said Patrik ansuerit he haid not silver bot said Marjorie Roy wes restand to him thrie or four bollis of malt, and giff he were ther he wold giwe them half ane dollour, lykas they tuik up four pundis fra hir at thair awin hand. Convict in tuentie pundis.

"Leonard Lesley of Cheppellhill, being suorne, confest intercommoning, eating and drinking with them in seiking bak of wther menis guidis takin avay; and confest that he drank with them in Johne Guthries hous in Rothes and another tyme in William Grayis hous at the Craignuik. Convict in tuentie pundis.

"Walter Innes of Wrtane, bailyie of Rothes, being suorne, confest that Johne Dowe send commissioneris to him to schawe my Lord of Rothes that he wes willing of peace, and confest that he sawe sextein of them or thairby in Rothes and drank with them in the Miltoune of Rothes, and alse that he trystit with the Clangrigour anent the gudvyff of Wrtane and David Dunbar; and alse confest that the barronie of Rothes contrabute and gawe them ane supper quhilk wes thrie bollis of malt and wes spent at Fiddiche. Convict in ane hundreth markis.

"Johne Guthrie in Maynes of Rothes, being suorne, confest that Allaster McAndie Voir and Johne Drummond, being tuell in company, cam to his hous wpon ane Sonday, and Leonard Lesley being in company, and drank four pundis and payd nothing therof; and another tyme thair cam to his hous Duncan Gair, being aucht or nyne in companie, and brocht Norman Deane perforce thairto and drank tuentie sevin schilling and left him in wod of the lawing. Convict in tuentie pundis.

"Normond Deane thair, being suorne, deponit that quhen Mr Johne Weymes guidis wes takin away he mett with them in Mortliche and they schott him fra place to place and another tyme they tuik him perforce to Johne Guthries hous and causit him pay tuentie four schillingis, and confest he payit ane pairt of the contrabutione to the supper. Convict in fourtie markis.

Miscellaneous Papers.

"Alexander Lesley of Conrak, being suorne, confest that they haid herried his man, George Gray, and tuik sex horse fra himself, and alse confest that he contrabute to the Clangrigour for thrie bollis malt, and confest that he met with them and drank with them in seiking bak his awin and wtheris menis guidis at the boit of Fiddiche, and confest Allaster M°Andie Voir and Johne Stewart were in his hous, and confest he went to William Grayis hous at the Craig to supply him, and confest he met with old Johne Dowe, quha tuik him perforce to George Innes hous at Fiddiche, and confest he intercommoned with Johne Drummond, and confest he wes at the said William Grayis hous at Dandaleith quhen they drank fourtie s. and causit the tennentis stent for paying of it; and alse confest that he and Johne Guthrie wes messingeris betuix the boundis of Rothes and the Clangrigour and declairit that they tuik him perforce to George Innes hous quhen they drank the four pundis giwin be the forsaid Patrik Lesley of Petteddertie. Convict in tuentie pundis.

"Johne Gray in Rothes, being suorne, confest that they cam in to his house at the gavill thairof, and confest that sum of them cam to his hous and stayit tua houris and did eat and drink. Convict in tuentie pundis.

"Thomas Gray thair, being suorne, deponit that Allaster M°Andie Voir, with auchtein with him, cam and brak his dores and drank ane broust of aill and payit nothing for it. Convict in tuentie pundis.

"Michell Yevine in Strabukie, deponit negative, yit prowin guiltie be Leonard Lesley and Johne Guthrie. Convict in ten pundis.

"George Gray in Ardnellie, being suorne, deponit that he never supplyit them, except that his wyff haid sumtyme supplyit thair wyffis quhilk he could not purge himselff of. Convict in ten pundis.

"Patrik Grant in Delnapoitt, Borache, wobster in Oldweime, Patrik Mougache in Knoken, Allaster M°Cagie in Nether Borlum, David M°Keane Mor in Tombrek, Allaster Gillimichell there, Johne Roy at the milne of Daltalies, James Donaldsone in Elcheis, Johne Garrowe there, Johne Milvart there, James M°Condachie in Clagan, Johne M°Cagie there, William Dumbrek in Dundurcus, George Gilleis in Collie, Alexander Deane in Easter Elcheis, Robert Deane in Dandaleith, William Man there, Johne Man there, William Gray in Carntie, Stronoche there, Patrik Bogtoune in Conrak, Thomas Schankis thair, Robert Yevine thair, Johne Riache in Hauche of Airtindillie, Johne Gray younger in Rothes, Alexander Hay in Maynes of Rothes, William Tailyeour thair, William Man in Auchinroth, Michaell Schankis in Keldillie and James Innes in Mulben, they and ilkan of them ar unlawit and amerciat for thair not compeirance to the saidis courtis, being laufullie summondit thairto, quherupon act extract furth of the said court buikis be me Johne Chalmer notar publict clerk thairof. (Signed) J°. Chalmer clr^s."

"*Apud* Edinburgh, *primo Decembris*, 1641. Producit be the Laird of Innes and allowed be the Counsell and letters of horning and poynding ordaned to be past therupon upon 20 dayes warning. (Signed) Loudoun, Can^llrius."

scellaneous pers.

80. "At Edinburgh, the first day of December, j^m vj^c and fourtie ane yeiris. Quhilk day in presence of the Lordis of Secreit Counsale compeared personallie Sir Thomas Hope of Kerse, knight, ane of the Senatouris of the Colledge of Justice, and produced his Majesteis gift and patent under the great seall makand and constituand him Lord Cheiff Justice within this kingdome, and humbillie desyred his oath to be takin *de fideli administratione*. At the productione quhairof ane nobill Marqueis Archibald, Marqueis of Argyle, etc., declaired that thair should have beine ane express exceptioune conteined in the foirsaid gift off the shirefdome of Argyle and the Iles and haill remanent boundes contained in his Lordships heretable infeftment of justiciarie holdin of his Majestie and ratefied in Parliament, and thairfoir protestit that the said Sir Thomas Hope should aither pas from the said gift as it is conceaved and tak ane new gift bearing the said exceptione or else that the Lordis be thair act wold declair that the said gift shall not be extendit to the boundes foirsaidis, quhairof the said Marqueis is heretable justice. Efter consideratione quhairof the saidis Lordis of Secreit Counsale, with consent of the said Sir Thomas Hope, findis and declaires that the forsaid gift now granted be his Majestie to the said Sir Thomas shall nowayes be extendit to the boundis of the said shirefdome of Argyle and the Iles nor no other boundis speciallie or generallie conteined in the said Lord Marqueis his said heretabill infeftment of justiciarie ratified as said is, and that the forsaid gift shall nowayes be hurtfull nor prejudiciall thairto nor to the priviledges, liberties and immunities thairin conteined in any sort; quhairupoun the said Marqueis of Argyle askit instrumentis. *Extractum.* (Signed) LOUDOUN, Can^ll^rius."

1st December 1641. Production by Sir Thomas Hope of a patent from his Majesty constituting him Lord Chief Justice, and protest by the Marquis of Argyle that exception should be made in the gift in his favour of the sheriffdom of Argyle and the Isles and other bounds within the said Marquis's justiciary.

81. Copy of the Act of Council approving of the proceedings of the Commissioners in the North and the holding of justice courts there, dated 1st December, 1641, and printed *ante*, p. 159. (Signed) LOUDOUN, Can^ll^rius, I.P.D.

1st December 1641. The commissioners in the North.

82. Copy of the Act of Council, dated 1st December, 1641, discharging the double custom on exported coals, printed *ante*, p. 160. (Signed) LOUDOUN, Can^ll^rius, I.P.D.

1st December 1641. The double custom on coals.

83. Scroll of the Acts of Council admitting Mr John Rollock sheriff depute of Stirling, etc., and Mr William Hog as sheriff depute of Hadintoun, printed *ante*, p. 161. On the back there is the scroll of a signature with directions for the expeding of a commmission of justiciary to his Majesty's Justice General, Mr Alexander Colvill of Blair, and Mr James Robertoun, advocate, his Majesty's Justices depute, and failing of them such as the Justice General shall appoint, for the sheriffdoms of Dumbarton, Stirline, Perth, Forfar, Kincarne, Aberdene, Bamff, Elgine, Forres, and Narne, and to the Earl of Murray for Inverness. The doing of this had been remitted to the Council by the late Parliament.

1st December 1641. Acts for the admission of sheriff-deputes.

1st December 1641. Sir Thomas Hope.

84. Scroll of the immediately preceding Act of Council relating to Sir Thomas Hope; with a note of the two sederunts on 1st December, 1641. Miscellaneous Papers.

1st December 1641. Mr. John Rollock and Mr. William Hog.

85. Scroll of the Act of Council for the appointments of Mr John Rollock and Mr William Hog. Also the sederunts for 1st December, 1641, as follows:—*Ante meridiem*—Chancellor; Generall; Marquis of Argile; Cassillis; Southesk; Elphinstoun; Clerk Register; Advocate; Justice Clerk; Sir Robert Gordone; Wauchtoune; Innes; Provost of Edinburgh. *Post meridiem*—Chancellor; Generall; Marquis of Argile; Murray; Dunfermline; Seafort; Mar; Cassillis; Kinnoull; Southesk; Angus; Sinclar; Elphinstoun; Balmerinoch; Clerk Register; Advocate; Justice Clerk; Sir Robert Gordone; Innes; Sheriff of Teviotdaill; Dundas; Provost of Edinburgh. Also on second leaf as follows:—

Corrections of the act anent the resetters of rebels in the North.

1. To mend the narrative of the commissioun and ground it upon the warrant and reference of Parliament.

2. To omitt the words and "others suspect persons" and all that generall claus.

3. "Anent the Justice Deputs," etc., to alter and "failleing of thame such as the Justice Generall sall deput."

4. The word "respective" to be delete.

5. "Givand, etc.," heir to leave out "conjunctlie" and "Deputs."

6. And thereafter, to leave out "conjunctlie."

7. "Themselves" and "deputs" to be delet.

8. For "severall" "anie of the" [*sic*].

9. "Season" for "Session."

10. "And in August thereafter till the 15 of September imediatlie following."

11. The clausses anent suspect persons delete.

12. "Suspect persons" delete.

13. "For the crimes quhatsomever" altered for "anie of the crimes forsaid."

14. Anent ressetters to be added "contrare to the lawes and acts of Parliament."

15. "In the power of the commissioners"—this claus or "may doe therefter" to be delete.

16. "Upon and with the conditions after specifeit" to be added.

17. The exception to be delete.

18. Anent pardons to be altered "With power to thame or anie of the twa quorums foresaids."

19. The provision in the pardon aganis rebells criminall to be delete.

20. The provisions anent satisfaction to be added—"according too thair meanes finding caution to pas thair remissions."

21. Anent the power of the commissioners for tyme cuming tyme bygane.

cellaneous
ers.

22. Anent the deputs—to alter thus—or such as sall be deput.

23. Anent the levey of the sax score men.

24. Anent the roll of rebells.

25. Suspect persons to be added—" of the crimes foresaids."

26. Anent the commission—for " endure," " Expire."

27. To delete " Parliament " and alter—" be his Majestie and Secret Consell."

28. [This claus delete.]

29. Anent the nominatioun of the deputs there to name the Justice Generall himselfe.

30. In the commission to adde the shireffs of the shires to the commissioners where the shireffs ar heretabill.

86. " Edinburgh, *primo Decembris*, 1641. For the speedier raiseing of 5000 men for his Majesties service and assisting Ingland to suppresse the rebellion in Ireland it is thought expedient that my Lord General speake the commanders and souldiours of Monro and Homes regiments, quhilks are one foot, and to try if they be willing to goe on in this service, and if thair be anie of thame who are unwilling to goe on and desyres to be licentiat, that the Lord General take suche course for leveying so manie others as will make up the saids tua regiments to the nomber of 2000 men. 1st December 1641. Levies for service in Ireland.

" That the Lord General wryte to the Lord Sinclair to understand if he will undertake to keepe his regiment on foote for the expedition forsaid, and what will be the nomber [he] will undertake for. Lord Sinclair's regiment.

" It is lykewayes thought fit that order be given to the severall shyres for lifting of 3000 men quherof a thousand Hielanders according to the division following, viz. :— 3000 men to be levied, of whom 1000 are to be Highlanders.

[1] " [For leveying of three thousand to make up the nomber of 5000 that there be raised out of the shyres of Louthians, Fyffe, Merse, Stirling, Teviotdail, Selkirk, Peebles, 1000 men; out of the shyres of Lanerk, Renfrew, Air, Wigtoun, Dumfreis, 1000 men; out of the shyres of Perth, Dumbartan, Innernes, Argyle, Bute, and Braes of Stirline shyre 1000 men.]

" And that the Lord Generall take course for appoynting of the generall, officers, colonels, leiutenant colonels, and majors, and that the captans, leiutenants, ensignes, and other inferior officers be chosin be the advyce of the noblemen, gentlemen, and heretors of shyres, according to the nomber and proportion of the souldiours sent out be the bounds, and that the captane be chosin be the shyre that sends the greatest proportion, the nixt proportion the leiutenant, the least the ensigne, and the serjants to come with the captane and leiutenants, and that special care be had that the captans and leiutenants be souldiours that have served abroad in the warres, at least if the captane be a gentleman who have not served abroad, that the leiutenants be souldiours who have served abroad. The appointment of officers for the army in Ireland.

[1] Deleted.

[1]["Lanerk, 300; Air, 300; Wigtoun, Kirkcudbrycht, 200; Dumfreis, 200; Fyffe, 300; Lithgow, 50; Edinburgh principall, 200; burgh of Edinburgh, 200, Hadinton, 200; Peebles, 50; Berwick, 200; Roxburgh, Seikirk, 200."] Miscellaneous Papers.

"*Eodem die, post meridiem.*

The new levies to consist, as far as possible, of such as have formerly served—their arrears of pay being discharged.

"And that all the souldiours, at least als manie of thame as may be, be of thame that were leveyed before, and that it be intymat to thame that, before they be requyred to marche in this expedition, they sall ressave compleit payment of thair former arreares dew to thame, and that the quantitie of thaire pay sall be the same quhilk sall be payed to the armie that sall goe out of Ingland for that service.

The pay of such as have not formerly served to be 6d. a day from the beginning of the march.

"And, if the nomber cannot be gottin compleit of the souldiours that were in the armie before, that the lyke condition be offered to others who sall be induced to goe for the tyme to come, and that course sall be taken that everie souldier frome he begin his marche till he come to Ireland quher he is enter upon the Inglish pay sall have sex pence a day, and the officers proportionablie.

Directions for conducting the levies.

"That thir orders be written and sent to the shireff to conveene the gentlemen and heretors of eache shyre, that letters be written to the gentlemen and heretors to be delyvered to thame at thair meiting to have special care for levying of the men according to these orders, and that letters be also written to the severall noblemen within ilk shyre to keepe these meitings and to assist the leveyes and to report.

Warrant to the Marquis of Argyle and others for the transport of 5000 men to Ireland.

"For transporting of the former 5000 men in hail or part, warrant is to be given to the Marquis of Argyle, Glencairne, provest and baillies of Glasgow, Dumbartan and Renfrew, and to the Lairds of Greenok, Newark, and Bishoptoun, for all ships, barks and boats of Glasgow and the river of Clyd to the Clochstone, and to the Earl of Eglinton, the provest and baillies of Irwing, and to the Lairds of for all the ships, barks and boats betuix the Clochstone and Irwing inclusive, and to the Lord Chancellor and the Earl of Cassills and to the provest and bailles of Air for all the ships, barks and boats of Air, to conveene, transact, and agree with all the awners and maisters, skippers, saillers of ships, barks and boats within the former bounds respective for transporting of the said armie to Ireland; and that they make report to the Counsell of thair diligence betuix and the day of of what ships, barks and boats fit for transporting they can make sure, of the conditions of the transport.

"2 December 1641.

The Lord General appointed captain of the castle.

"The Lord General producit ane act of Parliament quherby his Lordship is made captaine of the castle and gave his aith.

Lord Sinclair's regiment.

"The Lords recomende to the Lord General to give direction for bringeing of Lord Sinclair regiment with convenient diligence hither.

Victual to be sent from

"3 December 1641, Memorandum—To desyre, in respect of the scarscitie of victual in the west parts quher the souldiours that goe to

[1] Parts within brackets deleted.

Miscellaneous Papers.

Ireland are to be sent, that warrand may be given for sending the freebot quhilk lyis presentlie in Leith about to these bounds loadnit with victual. Leith for the soldiers in the west parts.

"*Apud* . The Lords of Secreit Counsell remittis the consideratioun of the articles abovewritten to the Commission for the Comon Burthens, as proper to thame." The Committee of Common Burdens to consider the above articles.

87. Copy of the Act of Council recommending Thomas Cuinnghame, factor in Campvere, as printed *ante*, p. 161. (Signed) LOUDOUN, Can^{ll}rius, I.P.D. 2nd December 1641. The factor of Campvere.

88. Scroll of the Act of Council respecting the compearance of the Earl of Traquair, printed *ante*, p. 162. 3rd December 1641. The Earl of Traquair.

89. Copy of the Act of Council dated 3rd December, 1641, in favour of Thomas Cuninghame, factor at Camphere, printed *ante*, p. 164. (Signed) LOUDOUN, Can^{ll}rius; A. M. Argyll; Cassillis; Leven; Sinclare; Elphinston; Murray; S. W. Dowglas; Sir Thomas Hope; Robert Innes. 3rd December 1641. The factor at Campvere.

90. Copy of the Act of Council, dated 3rd December, 1641, granting a commission for the passing of bills, etc., printed *ante*, p. 164. (Signed) LOUDOUN, Can^{ll}rius, I.P.D. 3rd December 1641. Commission for the passing of bills.

91. Draft of the Act of Council for issuing a commission to deal with the disorders in the Highlands, printed *ante*, p. 164; and Signed LOUDOUN, Can^{ll}rius, I.P.D. 3rd December 1641. The disorders in the Highlands.

92. Copy of the Acts of Council, dated 3rd December, 1641, for the levy of 5000 men for Ireland and for their transport, printed *ante*, p. 170. (Signed) LOUDOUN, Can^{ll}rius, I.P.D. 3rd December 1641. The levies for Ireland.

93. Extract of the Decreet of the Council in favour of William McIntoshe of Torcastell, and others, narrated *ante*, p. 173. (Signed) ARCH. PRIMEROSE, Cler. S. Cons. 3rd December 1641. William M'Intosh of Forcastell and others.

94. "Right honorable and our very good Lords, Oure distressed condition in theese parts of Ireland procured by the late rebellion, wee are well assured, is not unknowne unto your Lordshipps, and truely that which adds most unto our affliction is that wee want armes to arme our naked men withall, whereby wee might bee enabled by Gods blessinge in some sorte to resist their traiterous proceedings, untill God did strengthen us with more supplie from his Majesty, as his Majestie in his wisdome shall thinke meetest for our releife. Wee have made this amongest all our other wants knowne unto his Majestie, and to the state heere, and yet have receved noe releife for our present succour. Understandinge that there are plentie of armes of all sortes to be sould 6th December 1641. Letter from the Earl of Chichester and other Protestants in Ireland requesting that arms may be sent to enable them to defend themselves against the Irish rebels.

in Edenborrough, and beeinge att this present wholie destitute of readie money to pay for them, in regard theese troubles fell out before our rents weere receved, and allsoe not knowinge howe our bonds may bee accepted in a place where wee are noe better knowne, wee presume by this gentleman, Mr James Edmonston, to represent this our distressed condition to your Lordshipps, beseechinge that your honours would be pleased soe to mediate with such persons as have armes to sell there that such armes as hee shall make choice of for our present releife may bee delivered unto him uppon our bondes. Miscellaneous Papers.

"Wee hope your Lordships will not thinke our estates soe desperate, but that they may yet bee thought good securitie for a greater quantitie of armes then wee shall now demaund; and, if God permitt us or any of us lief, wee shall not doubt by Gods assistance in person to make honest payment and allwaies acknowledge this charitable favour. And to this end wee have given this gentleman a letter of attorney to bargaine for and buye the said armes and have given him allsoe full power and authoritie to signe, seale and deliver a bond to any person or persons that shall give him creditt by your Lordshipps means, and have given him full power to put our handes and seales to the said bond or bondes; and doe allsoe by the said letter of attorney confirme all actes which hee shall doe concerninge the same.

"My Lords, wee know not how valyd this bond thus perfected may prove according to the lawes of that kingdome, wherefore wee doe allsoe by this our letter oblige ourselves and every of us and the heires and assignes of us and every of us joyntlie and severallie to make good payment unto any man of what soume or soumes of money this gentleman shall ingage himself for our use as aforesaid. The speedie dispatch of theese armes to us is of as great consequence as the armes themselves, as the bearer can informe your Lordshipps, to whose relation wee referr the particulars of our present condition. Wherefore, not doubtinge of your Lordshipps most christianlike furtherance in this our extreame necessitie, wee humblie take leave. Your Lordshipps most humble servants, (Signed) EDWARD CHICHESTER; ARTHUR CHICHESTER; AL^R. TYRINGHAM; ARTHUIR LILL. Carrickfergus, 6th December 1641."

"Producit *sexto Januarij*, 1642. Recomendit to the Comittee for the Comon Burdens."

[Endorsed] "Letter from the Earl of Chichester anent armes."

13th December 1641. Supplication by the presbytery of Dunoon that they may be relieved from the support of the great numbers of poor from Ireland who

95. Supplication by the moderator and brethren of the presbytery of Dunoon. They are "ower chargit with a great multitude of poore people quha ar laitlie cum from the keingdoome of Ireland to tua parochins within the said presbetrie, bot especiallie within the Isle of Boote," and, upon representing this to their Lordships on 13th April last, they commanded John Kennedy and Robert Gordoun, collectors in Air, to pay 1000 merks for the relief of these people at the sight of the said presbytery. But the said Robert Gordoun, by his "testificat"

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herewith produced, declares that the contributions from his district are not yet received and moreover that "theis pairts ar owerlaid with the poore of Ireland alreaddy, sua that thair can be no hoip for any supplie from them." They represent to their Lordships that the number of these poor in the Isle of Boote then exceeded 500, and a great many more have since come, and as no help can be expected from Air, they crave the Lords to take such course in the matter as they judge expedient. [On the back] "At Edinburgh, 13 December, 1641. The Lords of Privie Councell recomend the supplication to the commissioners appointed for giveing out the contributions gatherd for supple of suche poore as are fled out of Ireland. (Signed) LOUDOUN, Can^llrius, I.P.D."

have settled in their bounds.

96. "Pleas your Lordships, Accordeing to the adverteisement gevin be the schireff to us undersubscryveris and utheris of the gentilmen and heritouris within this schyre, we haveing convenit att Jedbrught this day, quhair your Lordships letter and instructiounes thairin closed was publictlie delyvered and red to us, we ar most willing, according to your Lordships commandement and our dewtie, to contribute our best endevoir for the advancement of the Kingis Majesties service, and for the releiff of his Hienes subjectis our neighbouris and brethreine in Ireland, whairto, iff anything sall slaickin or lett our desyres and designes, it wilbe the want of the arriaris dew to the sojouris for thair former service, quhilk, howsoever noblie promeist be your Lordships and be us that ar of the barrounes and heritors within this schyre credibillie trustit, yitt it will nocht satisfie the pairties that ar now to be levyed except that reddie money be producit to them; for all of them affirmes themselffes [that they have] gottin so many fair promeisses and as yit so littill performance [that no assur]ance we can give them will induce them to undertak. Ane uther impediment will also hinder the present performance of your Lordships desyre, and it is this, that no sojouris can convenientlie be liftit befoir thair captanes and uther officeris remittit to the election of the schyre be first nominat, and no captanes can convenientlie be appointtit or will willinglie undertak befoir they know thair superiour officeris quho ar to be appointtit be the Lord Generall. It war thairfoir necessar, iff it sould seeme goode to your Lordships, that his Excellence micht be moved to nominat or send over heir some of the superiour officeris of that regiment quhairin these 200 men imposed upoun this schyre sould serve, that be thair advyse these under officeris may be electit be us. The exceiding great clamour lyikwayes of the commounes, bothe to brughe and land in this schyre and speciallie in the townes of Jedbrugh and Kelso, for the great sowmes dew to them for furnessing of the sojouris that was billatted upoun them thir former yeiris will muche impeid this or ony suche commoun service unless your Lordships provyde spedie remeid; bot these thingis being done, thair is no doubt bot your Lordships wilbe ansuerit with all obedience in that or quhat else your Lordships shalbe pleased to command for the gude of

17th December 1641. Letter from the gentlemen and heritors of Roxburghshire anent the raising of levies in their sheriffdom.

his Majesties service. So according to our dewtie we thought ourselffis obliged to represent these difficulties to your Lordships, whiche being removed or otherwayes remeidit as your Lordships sall think expedient, we salbe most reddie to the further prosequutioun of your Lordships commandementis as becomethe, your Lordships most humble servands, (Signed) Hunthill; Robert Scott, Quhitsleid; T. Shaw of Cavers; Ædmondstoune, Ednim; S. A. Kerr, Greinhead; Andrew Ker of Lintone; Williame Scott; W. Eliott; C. Rutherfuirde; Walter Scott; Johne Scott; William Scott; Robert Pringill; J. Ker of Getshaw; Androu Ker; Thomas Karr; Mr William Bennett; Thomas Makdouell; Gawine Ellott; Geo. Douglas; Johne Halyburtoun; J. Dobson (?); Johne Mader; M. F. Mader." Jedburgh, 17th December, 1641. Miscellaneous Papers.

27th December 1641. Alterations to be made in the statement of the case of George Buchanan.

97. "First quher they ar designed be thair names to designe thame tennents to Mr Williame in the lands. Item, the nixt claus, to expres the names of the persouns that wer blinde and to designe thame tennents of his lands. And presented to thame certain bands and declaratiouns drawin up be Jon Leckie, notar, being present thair for that effect, and violentlie forced thame to subscryve the samyn, at the leist to give command to the said notar to subscryve the samyne for thame. Item, to speciall upon the quantitie of the cornis sawin. Item, to designe these quha cumme with the chamberlan, domestic servants, quher they ar, and quher they ar tennents to designe thame tennents, and to conceave this article in thir termes, that the baillie and chamerlain convocat the particular persouns after following, being servants, tennents and friends to the said George Buchanan. To designe James Galbrath tennent to Mr William. Item, anent the wood, to designe thame officer and baillie and others for quhom he mycht be ansuerable. Item, to condiscend upon the number of tries. Item, anent the laboring of Keptulloch, to expres it in thir termes, that the said George came personally to the ground of the lands togither with syk complices. Item, the nixt heirschip after this, to expres the tennents names and to condiscend upon the number of the horse and nolt. Item, in the conclusioun to express that they have incurred the paines containit in the said acts, viz. 3^m^ for the said George, and that for every particular of the contraveners abonespecifeit extending to etc., and alse to have incurred the soume of j^m^ lib."

27th December 1641. Supplication by Mr. William Cunninghame of Broomhill that George Buchanan, apparent of that Ilk, and others may be summoned before the

98. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Mr William Cuninghame of Broomhill, party grieved, as follows:—That "upon the first of Januar, 1639, George Buchanan, appearand of that Ilke, became cautioner and souertie in your Lordships bookes for Walter Buchanan of Drummakill, Johne Buchannan of Ros, William Buchannan, his brother, and Johne M^c^Lauchlane of Achintraig, for the indemnitie of me, the said Mr William, my tennents and servants in our persons and goods, the said Laird of Drummakill under the

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pane of 3000 merks and ilke ane of the rest under the pane of j^{m} merks; lykeas upon the 23 of Januar thereafter Robert Drummond of Medhope became cautioner for the said George to me, the said Mr William, my tennents and servants in maner foresaid, under the said pane of 3000 merks. Lykeas upon the 15 of November, 1638, I obteanned a decreit before your Lordships ordaining the said George to desist and ceasse fra all troubling and molesting me, my tennents and servants in the possession of our lands of Crommane, comprehending the lands of Keptulloch, Tombreck, Gairisland, Scheane, Camnoquhell, Carbeth, and Blairvokie, with the pertinents, under the pane of a thowsand punds to be payed to me, the said Mr William *toties quoties* he sall contraveene the same, as the saids acts insert and registrat in your Lordships bookes more fullie proports. Notwithstanding quherof, upon the secund of August, 1639, the said George and Johne McLachlane, Robert Buchannan, callit Rob Lenie, Johne Buchannan, stylled of Drumfad, and Duncane Miller, servitour to the said George, came to my saids lands of Camnoquhell and Gairisland and away tooke fra Johne Blair, younger in Camnoquhell, ane young meare of fyve yeeres old, fra James Galbraith in Gairisland a gray horse of 4 yeeres old, and fra Johne Yuill there ane black meare of yeeres old; and siclyke in the moneth of the yeere foresaid, the said George, Walter, Johne and William Buchannans and Johne McLauchlane, Robert Buchannan, callit Rob Lenie, Alaster Buchannan, callit Alaster Glenie, and Duncane Miller, with diverse others in armes, came to the said Johne Blairs hous in Cammoquhell under silence of night, brake up his doores, entered his hous with drawin swords, stogged his beds for himselfe, brake up his kists, reft frome his wife the soume of money; and siclyke came to the lands of Crammane, Tombreck and Scheane, strake my tennents thair to the effusion of thair blood, compelled thame to pay to thame the maills and dueteis of my lands and to make certane writts and declarations, and brought Johne Leckie, notar, to subscribe the same for thame, quherof nather I nor my saids tennents knowes the tenor; and further they caused teill and labour a parcell of my saids lands of Tombreck and saw the same with thair awne cornes, thereby intruding thamselves in the possession of my saids lands; lykeas upon the 23, 24, 25 dayes of Aprile, 1640, the saids George, Walter and Johne Buchannans, Edward Buchannan of Spittell, William and George Buchannans, brether to Johne Buchannan of Ros, Alaster Buchannan of Blairvokie, the said Alaster Glenie, William and Johne Buchannans in Easter and Wester Ballachs, Johne Lennox of Barnshogill, Johne Naper of Ballaburra, James Stirline, fear of Achyle, Alexander Buchannan in Cashlie, the said Duncane Miller, Callum and Robert McGregors, sonnes naturall to Callum McGregour in Glengyle, with diverse others, came to my saids lands of Kepculloch, lying within the parish of Drymmen, quhilks ar a part and pertinent of my saids lands of Crammane, and the saids haill three dayes with 24 plewes teilled the said rowme, sew and harrowed

Council on the charge of injuring the complainer's lands and tenants and contravening acts of Council in favour of the complainer.

the same in a violent maner, and compelled my tennents of the saids lands and of my lands of Crammane, Tombreck, Gairsland, Cammoquhell and Scheane, within the parish of Balfrone, to pay to him the maills and dueteis therof. About quhilk time I meanned myselfe heerupon to the Comittee of Estats upon the 28 of Aprile, 1640, who assigned to me the secund of June therafter to prove my complaint and to be determined be the Parliament, to whom they referred the same; and upon the ellevint of June the Estats of Parliament did remitt the same to the Committee of Estats then to be chosin, with power to thame to doe therein according to justice and equitie, who accordinglie did particularlie take notice of the said complaint and haill circumstances therof and of my clame, title, interesse, writts and evidents of the saids lands, quherwith they being advised and with the depositions of witnesses led in this mater I obteanned decreit before thame ordaining the shireff of Stirline and his deputs to possesse me in the saids haill lands and in the uplifting of the dueteis therof. And, becaus the said George his cornes wer growing upon my saids lands of Kepculloch, they ordained him and his servants and thair cornes to be removed thairfra and me to be possest therin betuix and the first of November, 1640; lykeas accordinglie, upon the 9 and 10 dayes of October, 1640, the said shireff of Stirline and his deputs went to the lands of Crammane, Tombreck, Scheane, Cammoquhell and Gairsland, and putt me in possession therof, and the tennents became judiciallie acted before the said shireff and his deputs to pay me the maills and dewteis of the saids lands in time coming. And yitt, notwithstanding of all this, Edward Buchannan of Spittell, baillie and chamberlane to the said George, with concurse of Johne Buchannane of Ros, Alaster Glenie, Buchannan, sone to Johne Buchannan, notar, Buchannan in Ballintone, Johne Neilsone, servant to Edward Buchannan, Malcolme Kincaid, Robert Leckie, and John Chirrie in Kepculloch, James Buchannan younger in Blairover, Alexander Buchannan in Cashlie, to the number of 40 men in armes, not onlie contemned the ordinance of the Committee and refused to transport fra the saids lands and to possesse me therein conforme thereunto, but also they came upon the 14, 15, and 16 dayes of October and compelled the haill tennents of the roumes quherin I wes possest to assist thame and thair servants in stacking of the cornes in the barnyaird of Kepculloch, quhilkis they sould have transported therefra. At quhilk time, I being lying in Tranent with the Marques of Argiles troupe going for England, I meanned my selfe agane to the Committee, who gave warrant to Thomas Norie, messenger, to charge the said Edward Buchannan and his complices foresaids to compeir before thame to ansuer upon this contempt and ryott; and the messenger, being in execution of this service, the said Edward Buchannans wife at his direction and command craved a sight of his warrant, and when he shew the same she tooke it frome him and patt it in a seithing patt, and the said Johne Neilsone, his servant, held the messenger till it wes

Miscellaneous Papers.

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done. Upon verification of which proud attempt before the Committee upon the 7 of November, 1640, the said Edward Buchannan wes fynned in v^{c} merks and ordained to remove with his cornes and goods frome the saids lands of Kepculloch betuix and the first of December thereafter and to find caution for my indemnitie, and he acted himselfe judiciallie to obtemper this sentence and to compeir and produce his wife upon the 17 of November thereafter. Lykeas upon the ellevint of Januar, 1641, the said Duncane Miller and Robert McGregour, being sent home be the said George frome the armie at Durhame, as twa of his companie, togither with the said Walter Buchannan of Drummakill, Johne Buchannan of Ros, Edward Buchannan, Malcolme Kincaid, Robert Leckie, John Chirrie, and Robert Buchannan in the Park of Monteith, they came to my lands of Gairsland and Cammoquhell, brake up the doores of the said James Galbraith, and by reiff and oppression tooke fra him twa black meares worth ij^{c} lib.; and immediatlie thereafter came to my lands of Cammoquhell and brake up the said Johne Blairs doores and tooke away three horse worth 300 li., and cruellie wounded the said Johnes wife when as she stayed the taking away of the hors to the effusion of her blood, and kuist both the plewes of my saids twa tennents roumes, being then streiked so as they came unprofitable. Lykeas the saids Edward Buchannan, Duncan Miller, Allaster Glenie, Malcolme Kincaid, Robert Leckie, Johne Chirrie, Alexander Buchannan, and Miller at Buchannan with diverse others, of the speciall causing and direction of the said George, hes not onlie contemmed and dissobeyed the said Committee in maner abonewrittin but also hes builded houses upon the lands of Kepculloch, and for that effect hes cutted my wod, called the Park of Crammane, sauld and dispouned thairupon at thair pleasure, and so defaced the said wod that it will never grow agane, quherby I am damnified in above 5000 merks. Lykeas the said George and Edward Buchannans and remanent persons abonewrittin hes in the moneths of Marche and Aprile last teilled, sawin, harrowed and laboured my said roume of Kepculloch, collected and stacked the cornes upon the said roume, aganis the ordinance of the Committee and the said Edward his judiciall act foresaid; lykeas upon the 21 of Aprile last, the said George, Walter and Edward Buchannans, Johne Buchannan of Ros, George Buchannan, his brother, Alaster Buchannan of Blairvokie, Alaster Glenie, Johne Beg Buchannan, Johne Dow Buchannan, Buchannan, sone to Buchannan, notar, Johne Buchannan *alias* McCondie, Alexander Buchannan in Cashlie, James Buchannan, younger in Blairover, Duncane Abroch McGregor, Johne Buchannan in Wester Ballatt, William Buchannan in Easter Ballatt, the said Duncane Miller, Johne Dow McIlandrish in Drimmen, the saids Robert and Callum McGregors, to the number of 80 persons, all in armes, quherof diverse wer of the brokin men of the Clangregour and Clancamroun, they came to my lands of Crammone, Tombreck, Gairsland, Cammoquhell and Scheane, and reft and masterfullie tooke from the

tennents of the saids lands thair haill nolt, sheepe and hors with thair plewes and plew yrnes, and with the saids hors and plewes constrained the tennents to teill the lands of Kepculloch and abstracted thair haill goods till they payed such soumes as they pleased to exact, and after all this they keeped more than 80 men in armes the space of 9 dayes, taking my tennents and threatning thame to give thair geir or to leave my lands waist; sending out nnmbers of armed men to the feilds to searche for the tennents goods and threatning the saids tennents to leave them nothing if they caried thair victuall to my milne, and so resolving to lay my lands waist. Lykeas, upon the tent of December instant, the said George caused the said Duncane Miller, William Buchannan, in the Maynes of Buchannan, and certane others take away out of my lands of Crummane, Tombreck, Gairsland, Cammoquhell and Scheane ten or twalffe peece of hors, quherby they ar disabled to labour thair lands. By quhilks oppressions I am damnified in the losse of my rent of the saids lands and milne extending yeerlie to a thowsand merks now be the space of sex or seven yeers, quherby the saids George Buchannan of that Ilke, Walter Buchannan of Drummakill, Johne Buchannan of Ros, William Buchannan, his brother, Edward Buchannan of Spittell, and Johne McLauchlane and everie ane of thame, have violat and contraveenned the saids acts of Counsell, decreit of the commissioun and judiciall act made there be the said Edward in maner respective abonewritten, and have not observed and keeped the saids, and therefore they and thair saids cautioners aucht to be decerned to have incurred and to incurre the panes respective conteanned in the saids acts and letters direct aganis thame for payment thereof as accords. Heirfor we beseeke your Lordships that we may have letters direct charging the saids persons to compeir before your Lordships at a certane day to heare and see it verified and provin as accords of the law, found and declared, that they and everie ane of thame hes violat and contraveened the saids acts of Counsell, decreit and act of the commissioun, and not observed and keeped the same, conforme to the tenor thereof, and thairfoir to have incurred and to incurre the panes respective foresaids conteanned therein, and letters to be direct aganis thame for payment thereof in forme as effeirs, with certificatioun, etc., and your Lordships ansuer. (Signed) S. THOMAS HOP." [On the back] "*Apud Edinburgh, 27 Decembris, 1641. Fiat ut petitur.*" Miscellaneous Papers.

99. "Instructions frome the Counsell of Scotland to the Earles of Louthian and Lindsay concerning the assistance of the Parliament for suppressing the rebellion in Ireland.

Instructions to the Earls of Lothian and Lindsay anent the Scottish levies for service in Ireland.

"Whereas the Parliament of England hath takin in good part the kyndnes of the Parliament of Scotland concerning thair assistance for suppressing the rebells in Ireland, and hath advised his Majestie to make use therof for the present releeffe of these parts of Ireland which ly neerest to thame, according to the treatie agreed upon and confirmed

Miscellaneous Papers.

in both Parliaments, and to that effect to provide that the full number of 10,000 men may be raised of his Majesties subjects of Scotland at such time and in such maner as sall be thought fitt by the Parliament of England; of which number there is 5000 men presentlie desyred to be leveyed and furnished with all necessarie armes and munition, with all possible speed to be transported to Ireland under the command of such worthie persons weill affected to the reformed religion and peace of both kingdoms and qualified with such endowments as ar fitt for such ane employment; and as touching the wages and other needful charges quhilk this assistance will require, to make such agreement with all the commanders and souldiors to be employed, as they would doe in the like caise for thame selves; quherin they rely upon their freindlie dealing with thame, and that they will take care that satisfaction be made accordinglie.

"The consideration of these great and weightie affaires and managing thereof being remitted and seriously recommended be his Majestie and the Parliament of Scotland to the Lords of his Majesteis Privie Counsell, they have thought good to send up the Earles of Louthian and Lindesay with these instructions following:—

1. Yow sall shew to his Majestie and to the Parliament of England that, out of the sense of that dewtie we ow to his Majestie and the true affection which this kingdom doeth beare to the kingdome of England, we ar willing, according to the treatie, to contribute our best assistance for a speedie releeff of those distressed parts in Ireland which ly neerest to us, and to reduce the rebells of Ireland to thair due obedience to his Majestie and the Crowne of England.

2. That we may be enabled to give that reall assistance which is desyred by the Parliament of England and so heartilie wished by us yow sall demand the resolution of the King and Parliament of England concerning the particulars following which ar conceaved to be necessarie for this levey.

"Yow sall shew that we wer presentlie disbanding our soldiours who ar on foot in this kingdom, but that upon the intelligence and instructions sent from the Parliament of England we have resolved to keepe thame up till the eight day of December; that, if his Majestie and the Parliament of England sall be pleased to make use of our assistance, they may returne tymous and speedie advertisement, and frome this time allow thame such conditions as they give thair awne souldiors.

"That there be allowed for ilk souldiour to be leveyed, and that both officers and souldiours to be leveyed have thair pay so soone as they come to thair randevous.

[1]["That be allowed for each souldiour *per diem* frome that time.]

"That there be allowed for transporting of . . .

"That [some flatt boddomed boats be gottin for landing of the souldiouris.]

[1] Parts within brackets are deleted.

"That the touns of Carrictfergus, Londondarie and Kulrayne and the forts and castells of Coulmore be putt in our hands for our saife retreat and keeping magazens of all sorts; being tyed for using thame to the advantage of England; and to be restored upon the disbanding of our armie and upon the performance of the conditions of this agreement.

"That some shipps of warre be provided and interteanned to attend on the north coast for saife conduct to our armie of recrues, victualls or other necessars which sall come for our supplee frome Scotland or ellis where; or upon anie occasion of our sending there that they may have order frome the admirall to attend for that effect.

"That victuall be tymelie provydit for our armie, to be putt in and other convenient places.

"That our forces and souldiours be commanded by our owne officers, and all orders militarie to thame to proceed from him who sall have charge as cheefe commander of our forces, and his officers having charge under him.

"And that the cheefe commander onelie receave instructions from the Kings Majestie or the Lord Lieutenent of Ireland according to his auctoritie derived frome his Majestie and the Crowne of England in that frie and honorable way which the generall or commander of ane armie sent from a free kingdom for assisting of another aucht to doe.

"That anie troups or regiments that sall be sent frome the English to joyne with ours be commandit be the cheif officer of our armie.

"That the inhabitants and all within these bounds, where our forces ar to remaine or goe, be holdin to contribute thair best concurrence and assistance with thame, and to bring and give victuall and other things necessar for interteanment of the armie upon reasonabill prices; and that such as opposeth thame or refuseth to give thame such victuall and other forsaids for payment, it be lawfull to take thair enterteanment frome thame by order and in a regular maner, and that carradges be furnisht in all places quher our armie gois.

"That the time of delivering the pay and suretie for payment therof be condiscended upon.

"That canon, armes and amunition be sent with all possible hast from England to these places of Ireland where they may come saife to our magazen there, and that suretie be given for sending hither als manie armes frome Ireland as wee send to Ireland.

"That such a considerable soume of money be presentlie gottin as will serve for the levey and transport of thowsand men and pay thame for the space of moneths.

"That, seing we ar willing to runne the like hazard with England in thir warres and to stand and fall with thame for reduceing the rebells of Ireland, yow sall demand that his Majestie with the approbatioun of the Parliament of Ingland may be gratiouslie pleased to grant that our service and hazard may be rewarded with the like recompence as sall be

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granted to the English or Yrish; which agrees with justice, seing that manie of our countriemen hes to thair great labour and expence made manie plantations there, and if we sall with hazard of our lyffes doe good service to his Majestie and crowne of England, we aucht to be sharers of the fruicts of our panes and recompence of our service with the English, being alwayes subject to his Majestie and the crowne of Ingland as the English are and salbe.

"Becaus the souldiours who hes beene traynned and wer in action these two three yeares bygane will be fittest for the expedition to Ireland, and that our moneyes ar exhausted and a great part of the souldiours pay is restand owing thame, yow sall desire that the Parliament of England may be pleased to advance a part of the remainder of the brotherlie assistance dew to us, that the arrerages due to our souldiours may be payed for thair better encouragement to goe upon this expedition.

["And that the General of our forces sall have the lyke power to deale and treat with the rebells thair, as is permitted to the Generall of the English by the King and the Parliament of England for the good of this service and better reduceing of the rebells.]

["And in the meanetyme that some armour be sent to Air.]

"Yow sall advyse with his Majestie and the commissioners for England what power they thinke expedient to grant to the Generall of our armie for hearing anie treatie or granting pardon to anie of the rebells who sall offer to doe service and returne to his Majesties obedience.

"Yow sall demand some troups of horse weale appoynted, proportionable to our armie to joyne with our foote forces in Ireland.

"To draw a letter to his Majestie acquainting his Majestie with the receipt of the Duke's letter and instructions sent thairwith, and that, in obedience of his Majesties command, they had taken the instructions and desires thairof to thair consideration, and, to expresse that dewtie they ow to the King and respect to the Parliament of Ingland, they have sent up, etc., to treat and agrie upon the conditiouns quhilk might best conduce to his Majesties service, and accelerat the expedition to Ireland, and salle with all speed go about suche preparations as may further the same."

"If the Parliament of Ingland salbe pleased to advance of the remainder of the brotherlie assistance dew to us toward the payment of the arriers wee are owing to our souldiours and grant the lyke conditions to us for the future as they sall doe to thair awne souldiours, yow sall, to witness our affection and reddines to assist thame, condiscend that the souldiours to be leveyed for this tyme in this kingdome salbe raised and transported to Ireland freelie upon the charge and expenss of the kingdome of Scotland, notwithstanding that the moneyis for levey and transport mentioned in one of the former articles will amouut to a considerable soum.

"Yow sall give frequent advertisement to the Lords of his Majesties

Privie Consell of your proceedings. *Subscribitur*, Loudon Can^rius^; A. M. Argile; Sutherland; Mar; Eglintoun; Cassills; Glencarne; Lauderdaill; Seafort; Southesk; Finlater; Laurick; Dahoussie; Elphinston; Balmerinoch; Balcarras; Durie; Advocat; Treasurer Deput; Sir Ro. Gordon; Sir Patrik Hepburne; S. R. Innes; S. W. Douglas." Miscellaneous Papers.

100. Another copy of the foregoing paper.

Roll of delinquents in 1641.

101. ROLL OF DELINQUENTS IN 1641.—Patrik, Earle of Tullibairdin; Seatoune of Scheathin; Robert, Earle of Carnwath; William, Lord Crichtoun; Lord Gordoun; Sir James Scott of Rossie; Sir Johne Fergussone of Kilkerrane; Fergussone, younger thairof; James Kennedy of Blairquhan; Sir James Galloway; Harie, Earle of Strivilling; Doctor Arthur Johnestoun; Sir William Elphingstoun; Johne, Lord Herres; Robert Maxwell of Orchardtoun; Johne Maxwell of Mylnetoun; Maxwell of Kirkconill; William McClellane of Softlaw; McClellane of Stankis; James Gordoun of Rothemay; Generall James King; William Scott, burges of Abirdein; Paull Inglis, burges thair; William Andersone, burges thair; Robert Rae, burgess thair; George Cullane, burges thair; Sir William Hamiltoun of Elistoune; Bryce Sempill of Cathcart, Patrik Vaus, younger of Barnbarroche; Mr Robert Burnet, advocat; Harie Dun, burges of Abirdeine; Livetennent-Colonell Johnestoun; Mr Walter Quhytfurd, pretendit Bischope of Breachin; James Ogilvie of Newgrange; Johne, Earle of Traquair; Sir Johne Hay, Clark Register; Doctor Walter Balcanquell; Sir Robert Spotiswod of Donypace; Johne Home of Rentoune; Capitane David Scrymgeour; Robert Hwy, sone to Doctor Hwy; Sir Patrik Drumond, Conservatour; Sir Donald McDonald of Sleat; Sir George Ogilvie of Bamff; Sir Johne Scrymgeocr of Dudope, Constable of Dundy; James Maxwell of Litlebar; Roger Lyndsay of Maynes; Johne Lyndsay of Wauchope; Robert Herres of Barbarro; Edward Moriesone of Edinghame; Johne Sturdgeon of Torrorie; James Lyndsay of Auchinskeoch; William Maxwell of Killelung; Fergus Grahame of Blairetwod; James, Master of Maxwell, brother to Earl Nithisdaill; Johne Maxwell of Castlemilk; Sir Johne Maxwell of Conhaith; Johne M^cbrair of Allmigill; George Johnestoun, burges of Aberdein; William Petrie, burgess thair; Robert Forbes thair; David Richard thair; George Gordoun of Nethirmure thair; Sir Alexander Irweing of Drum; Robert Irweing of Federat; Sir Alexander Cumyng of Coulter; Alexander Gordoun of Abiryeldie; Mr Johne Paip, younger, advocat; Mr James Inglis, servitour to the Earl of Wintoun; George, Marques of Huntley; William, Earle of Airth; Sir Thomas Crombie of Kemnay; Sir James Dowglas of Mordingtoun; Sir Johne Seatoune of Barnes; Sir James Lockhart of Ley; Sir Johne Turone of Foverane; William, Marques of Dowglas; Alexander, Earle of Linlithgow; Sir Nisbet of Westnisbet; James Lord Ogilvie; George Home, brother to the Laird Rentoune; Lodovick, Earle of Crawfurd; James, Earle of Airlie; Urquhart

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of Crombie; Thomas Urquhart of Cromartie, younger; Sir James Stewart of Buitt; George Gordoun of Geicht, younger; Ronald Oig McRonald; Alexander Gordon off Ardestie; Mr David Lyndsay, sumtyme pretendit Bishope of Edinburgh; Mr Adam Bannatyne, sumtyme pretendit Bishope of Aberdein; Mr Johne Maxwell, sumtyme pretendit Bishope of Ross; Mr Patrik Lyndsay, sumtyme pretendit Archebishope of Glasgow; Mr Thomas Sydserff, sumtyme pretendit Bishope of Galloway; Mr Johne Guthrie, sumtyme pretendit Bishope of Murray; Earle of Nithisdaill; Sir Harie Bruce; Sir Lues Stewart; Mr Johne Guthrie, sone to Mr Johne Guthrie, sumtyme pretendit Bishope of Murray; Lord Aboyne; the Laird of Craig Gordoun; James Gordoun of Birkinburge; Johne Gordon of Haddo; of Innerbuikat; George Gordon of Tillichowdie; George Gordoun of Corachrie; Johne Seatoun, Chamberlane of Fyvie, and his sones; James Gordoun at the Mylne of Des; Hector Abircrombie of Fettirneir; Abircrombie his sone; James Leslie of Auchortes; Johne Gordoun of Dewchries; Johne Leith of Ardoyne; Patrik Leith of Kirktoun; George Leith of Newrayne; Johne Leith of Newlands; Johne Leith of Balquhairne; Mr James Leith, his sone; Adam Abircrombie of Aldraine; Normond Leslie at the mylne of Carden; Patrik Leslie of Legatsden; Johne Leslie of Badiforrow; Alexander Chalmer of Drynies; Johne Gordoun of Knokaspeik; Johne Gordoun, his sone; Robert Gordoun at the Mylne of Auchindore; Alexander Gordon of Methrum; George Gordoun of Cocklarchie; Mr James Gordoun, his brother; George Gordoun of Wranghame; Gordoun of Dalpersie and his sones; George Gordoun of Newtoun; George Gordoun of Colluthie; George Gordoun, Chamberlane of Strathbogy; William Gordoun of Maynemure; Adam Duff in Auchindoun; Adam Duff of Drummure; Robert Gordoun of Cowdrayne; Johne Spence of Bruikistoun; Spensses, his breither; Mr Robert Bissett of Lessindrum; Mr Thomas Gordoun of Pittindreiche; Gordon of Tulloche; George Andersone, sone to Mr Patrik Andersone of Law; Maister Thomas Gordoun of Keythsmylne; Patrik Gordoun of Sauchin; William Gordoun of Gordounsmylne; Capitane James Forbes; Major Alexander Forbes; Arthur Forbes, sumtyme of Meany; William Doegood of Auchinhoove; Harie Gordoun of Glasso; James Gordoun of Lattirfurie; Johne Gordoun of Auchinraith; Sir George Johnestoun of Caskiben; George Johnestoun, his sone; James Cruikschank in Broadgait of Aberdein, in James Seatoun his hous; George Jamesone, paynter; Robert Irweing of Fornet; Patrik, Lord Olyphant; James McRonald, *alias* McDonald, oy to Alexander McDonald of Glengarie; Johne Ramsay of Culsche; Johne Lyon of Murres; Thomas Burnet of Camphell; Johne Innes of Tippertie; Patrick Urquhart of Lethintie; Patrick Meldrum, sumtyme of Iden; Blakhall of that Ilk; Alexander Blakhall of Finersie; Gairdin of Blakfurd and his two sones; George Meldrum of Haltoun; William Meldrum of Strathquharrie; Patrik and William Meldrumes, his sones; Mr William Seatoun of Ranystoun; Mr James

Clark of Tillichortie; Johne Donaldsone of Hiltoun; Gordoun of Auchlewchries; Mr James Kennedy; Colonell Gairdine; Hew Gordoun of Smythstoun; Patrik Gordoun of Badinscoth; William Troupe of Bannacraig; Gilbert Johnestoun in Essilmonth; Thomas Stewart of Ryeland; Walter and George Mortimers of Auchinbaldie, elder and younger; Johne Gordoun of Innermarkie; Alexander Gordoun, younger of Innermarkie, his sone; Gordoun of Beldorne; Johne Coupland of Hauches; Alexander Gordoun of Lewes; George Adamsone of Braco; Alexander Irweing of Tarsettis; Johne Irweing of Allathin; Alexander Seatoun, brother to Sheathin; Johne Gordoun of Blealak; Mr William Davidsone of Ord; George Gordoun in Gallowgait; George Moriesone, burges of Aberdein; James Blakhall, sone to Aleander Blakhall; Mr William Johnestoun, burges of Abirdein; Alexander Robertsone, burges thair; Johne Scott, burges thair; Johne Strauchan, burges thair; Androw Chalmer, burges thair; James McDonald, sone to Sir Donald McDonald of Sleat; Johne Seatoune, elder of Auchortie; Sir James Lundy; William Spotswod, sone to Sir Johne Spotiswod of Dairsie; Robert Hamiltoun of Torrens; William Hamiltoun of the Maynes of Kilbryd; Hamiltoun, his sone; Robert Hamiltoun of Cathkine; Gawne Hamiltoun, his sone; Mr Johne Hamiltoun of Raith; James Hamiltoun, his brother; Mr William Burnet, sone to Johne Burnet of Barnes; Johne Burnet, brother to the said Mr William; Maister James Gordoun; Johne Wilsone, wreater; Johne Leith of Harthill." [Endorsed] "The Roll Delinquents, 1641." Miscellaneous Papers.

3rd January 1642. Supplication by William Harper, son of William Harper in Corshill, for a summons against John Foulis, son of Andrew Foulis in Foulshaw, whom he accuses of assault.

102. Supplication by William Harper, lawful son of William Harper in Corshill, as follows:—On 2d October last, being the Lord's day, John Foulls, son to Andrew Foulls in Foulschaw, under colour of friendship, invited the supplicant to drink with him. He yielded and remained with him for in the house of apparently on good terms. But as he was going home the said John, "resolving upon forethought fellonie to kill me, derned himselfe among the cornes and, er ever I wes awar, start out upon me and with a great rung felde me to the ground; thereafter with a long durke gave me nyne deidlie wounds in diverse parts of my bodie and left me for death." He craves summons against him. [On the back] "*Apud* Edinburgh, 3 January, 1642. *Fiat ut petitur.*"

4th January 1642. Letter from the Earl of Lindsay to the Council on behalf of certain merchants whose goods have been seized by the Commissioners for the army in Ireland.

103. "Right Honorable, I have beene earnestlie desired and sollicited by some merchants who alledge thamselves to be interessed as compartners in the goods which wer sold at the Newrie by Leivtenant-Collonell Sinclar, and accordinglie payed for, bot therafter seazed upon by the commissaries of our armie there for the use thairof, that, seing thair cause is now to come befor your Lordships, I would seriouslie recomend the same to you and be ane intercessour for thame at your Lordships hands that they may be repaired of thair losses according to justice. And althoug I know how unnecessar all such recomendations are

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to your Lordships, whose constant care is to do justice to all men, yett for satisfaction of the importunitie of these merchants I have taken the boldnes heirby to recomend thair cause to your Lordships and to intreate you to take such a course for the reparation of thair losses (yf they have susteaned anie) as your Lordships after triall shall find thair cause to deserve, and I shall continew, Your Lordships most humble servant. (Signed) LINDESAY. London, 4° Januarij, 1642."

[Addressed on back] "To the Right Honorabill the Lord Chancellour and remanent Lord [*sic*] of his Majesties Privie Counsall of Scotland, in Edinburgh." [Small seal containing the Johnstone arms.]

5th January 1642. Supplication by Sir Patrick Hepburn of Wauchton for a summons against Mr. James Raith, Sir Arthur Douglas and others, whom he accuses of illegally seizing his teind sheaves.

103. Another supplication to the King and Parliament by Sir Patrick Hepburne of Wauchtoune, knight, narrating that formerly presented by him on 15th September, 1641, which he now states was ordered by Parliament to be given to the parties. This was done and it was in their hands for two days, "and efter redelyverie thairof being desyred to be hard, it pleased my Lorde Balmerinocht, President of the Parliament, to assure his Majestie and Parliament that Mr James Raith wes so discreet that he wald offer to do no injurie to me but wald be content that the teyndis sould be led and keipit still upon the ground, giveing him a barne yaird to put them into and barnes to thresh out the cornes, and they sould leave the strae upon the ground according to the custome of the countrie, quhilk wes lykewayes publictlie confirmed by the Laird of Niddrie." Thereupon the supplicant was content to pass from his petition and assured the Lord President that he would cause the tenants lead the teinds after they were teinded by the said Mr James and Sir Arthur Dowglas or their servants and carry the same to a barn yard on the ground of Popple, and have a barn ready for them for the outthreshing, the straw being left upon the ground for the benefit thereof. On the following day the Laird of Niddrie brought Peter Cranstoun, servitor to the said Mr James and Sir Arthur, who was then going, as they said, to the east country for teinding the said corns, to obtain a warrant for a barnyard, whereupon the supplicant gave a warrant to one of his tenants, Alexander Crombie, "to have the cairts, waines and loomes off Popple in reddines upon the said Mr James and Sir Arthure or thair servandis advertisement and to leid the same to one of the most fitting barneyairds of Popple," and as he was then about to go upstairs to the meeting of the barons, he verbally desired the said Peter Cranstoun "to ryd be the said Alexander Crombie and to direct him accordinglie in my name." But notwithstanding of all this arrangement the said Mr James and Sir Arthur by their servants and accomplices, to the number of , all armed "with hagbuttis, carabines, muskettis, speires, pickes and other weapones came upoun Wednesday last, the sext of this instant, with a great number of cairtes and waines with thame, in heich contempt of his Majestie and sitting of the Parliament, and violentlie tuik away the saids teyndis" to the

lands of Quhittinghame, threatening to kill and slay the tenants of Popple if they interfered. "Sieing the said injurie is more propperlie done to your Majestie then to mee," he craves that summonses may be granted against the said Mr James Raith and Sir Arthur Dowglas, his factor or chamberlain, and against James Prestoun, Thomas Spottiswoode, John Park, John Colvene, John Mandersone, John Lambe, John Dowglas, William Dowglas, Robert Neilsone, John Thomsone, John Mure, younger, John Lambe, George Hendersone, Archibald Neilsone, George Fermour and John Sommer, to compear and be ordained to bring back the said sheaves and underlie due censure for their spoliation and contempt. On the margin is noted as follows:—"16 *Novembris*, 1641. This supplicatione being moved in audience of his Majestie and Estaittis of Parliament, they remitt the same to the Lordis of Secreitt Counsell. BALMERINO^{t}, I.P.D, PARLIA^{t}. On the back is noted as follows:—"*Apud* Edinburgh, *undecimo Octobris*, 1641. The Lordis and utheris of the Committie for the billis appointit by warrand frome the Parliament ordanes ane maisser or messinger of armes to wairne the pairteis and persones within named complained upoun to compeir befoir the Parliament the day of with continewatioun of dayes to answer to the complaint within mentionat and to heir the desyre thairof grantit. ELPHINSTON, S. W. FORBES, J. ANDERSONE." Also notes of two executions (1) On 12th October, 1641, by John Tait, messenger, against Sir Arthur Douglas of Quhittinghame, knight, James Prestone, Thomas Spottisvode, John Colving, John Lambe, elder, George Fermer, and John Summer, all personally apprehended, and against John Park, John Manderstone, William Douglas, Robert Neilsone, John Moore, younger, John Lambe, younger, George Hendersone and Archibald Neilsone at their dwelling places, for their compearance before his Majesty and the Parliament on 14th October; witnesses, Alexander Crumbie, farmer in Poppill, John Hoge in Quhittinghame, Thomas Heriot there, Patrick Duncane there, and James Robisone there: and (2) on 13th October, 1641, by Mr John Henrysone, macer, against Mr James Raith of Edmestoun, personally apprehended, to the effect as above; witnesses, Mr James Setoun, and John Dunlop, advocate. Also on the back. "*Apud* Edinburgh, 5 January, 1641 (*sic* l. 1642.) Ordans letters to be direct to warne the partie. LOUDOUN, Can^{ll}rius, I.P.D." Miscellaneous Papers.

6th January 1642. Edward, Viscount Chichester.

104. Copy of the act of Council in favour of Edward, Viscount Chichester, printed *ante*, p. 177. (Signed) LOUDOUN, Can^{ll}rius, I.P.D.

7th January 1642. Supplication by Lieutenant-Colonel Home that the Earl of Nithsdale

105. Supplication by Lieutenant Colonel Home, as follows:—"In the articles of capitulation, subscribed be the Erle of Nithisdaill and me at the deliverie of the hous of Carlaverock, it wes condescended by the said Erle, takand burden on him for himself, his freinds and followers that he nor they sould not in anie time comming take armes in preju-

dice of this kingdome nor have intelligence with anie in prejudice thairof upon thair honnors and credit, as in the saids articles more fullie is exprest. Notwithstanding quhairof, immediatlie after his removal frome the said hous he went with the souldiours quhilk he keeped therein aganis the countrie with displeyed cullours and towcke of drum to England and joynned with the English armie there, served under pay till the disbanding thereof, resolved, aganis the honnor and credit of a nobleman of his condition, quhilk in the said article he did ingadge, to imploy himselfe and his saids souldiours aganis this his native countrie as he sould find occasion; quhairof I have thought good to acquaint your Lordships in regard the said Erle doeth much trouble your Lordships with my alledged violation of the saids articles, that your Lordships upon tryell of the cariage of us both thereanent may determine in the mater according to equitie and justice." He craves that the Earl may be cited. [On the back] "*Apud* Edinburgh, 7 January, 1642. *Fiat ut petitur.*"

be cited in order that the dispute between the said Earl and the supplicant may be decided by the Council.

106. Supplication by Sir Thomas Hope of Craighall, knight, his Majesty's Advocate, and Sir Alexander Meinyeis of Weme, party grieved, as follows:—On 1st April, 1636, Mungo, Viscount of Stormont, became cautioner for John Murray of Glenstrae and Patrick, his brother, that they would keep good rule in the country and not molest any of his Majesty's subjects; as also that they would compear before their Lordships on fifteen days warning, if within the country, under a penalty of 3000 merks each. He then narrates the complaint he had already tabled against the said Patrick Murray *alias* McGregour (*ante*, p. 177) and concludes that the above penalty should be decerned to have been incurred. He craves that their Lordships would summon the said Patrick Murray and his cautioner to the above effect. (Signed) S. Thomas Hope. [On the back] "*Apud* Edinburgh, *octavo Januarij*, 1642. *Fiat ut petitur.*"

8th January 1642. Supplication by Sir Alexander Menzies of Weem for the summons of John Murray of Glenstrae and Patrick Murray, his brother.

107. Supplication by Robert and George Coventrie in and George Fothringhame, their servant, as follows:—On they were coming peaceably to the lands of Wester Fordell belonging to William Ker, and of which Robert Hay is tenant, "with a waine, a cart and a sled for leading away the cornes of the saids lands, looking for harme of no man, before we came the lenth of the grounds quher the cornes wer stowcked, Robert Hay of Strowie, Francis, Robert and Hayes, his sonnes, having a great mastiffe dog in thair companie, came upon us and without anie offence done be us to thame in word or deid persewed us of our lyffes and with a staff or battoun strake me, the said Robert, to the ground, tooke a gad out of myne, the said George hand, quhairwith I wes calling the wayne, and wounded me, the said George Fothringhame, therewith on the head and others parts of my bodie to the effusion of my blood in great quantitie and had not failed to have

8th January 1642. Supplication by Robert and George Coventrie and George Fotheringham, their servant, for a summons against Robert Hay of Strowie and others, whom they charge with assault.

slaine us wer not our awne better defence." They crave summons against their assailants. [On the back] "*Apud* Edinburgh, 8 January, 1642. *Fiat ut petitur.*" Miscellaneous Papers.

10th January 1642. Supplication by John Stewart of Coldingham for a new citation against Sir Robert Douglas of Blaikerston and others with the object of securing a competent maintenance to the supplicant.

108. Supplication by John Stewart of Coldinghame, as follows:—On the 6th instant he summoned Sir Robert Douglas of Blaikerstoun and his daughter, the Lord Cranstoun, the heirs of the deceased Mr Robert Craig, and Francis Stewart, son of the late Earl of Bothwell, before their Lordships that commission might be given to some of them for hearing and clearing the accounts of the said Sir Robert Douglas connected with the supplicant's estate, so that a competent maintenance might be allowed to the supplicant therefrom. Their Lordships found the charge defective and ordained the supplicant to make a new citation. He therefore craves their Lordships' letters for doing so. [On the back] "*Apud* Edinburgh, 10th January, 1642. *Fiat ut petitur.*"

11th January 1642. Supplication by Robert Law, skipper in Anstruther Easter, master of "The Andrew," for a summons against James Robertson and others for assault.

109. Supplication by Robert Law, skipper in Anstruther Easter, master of the good ship called *The Androw*, as follows:—He was lately on his voyage "homeward from Queinsbrig to St Andrewes quhair I was loadned, when my ship came to Elsinure, James Robertsone, David Brydie, Johne Stevinsone and Androw Carstairs, citiners of St Andrewes, who frauchted my ship, came to me, being in my kooe doing my affaires and threatned to take my life if I did not remove therefra and give it to thame; quhilk the said James had not failed to have done if he had not beene hindered be some of his awne companie, strake out desperatlie with a drawin knife at me, wherewith he had slaine me if the stroke had not been kepped be William Ros, one of my companie, whois hand wes so hurt that I wes prejudged of his service for the space of a moneth to my great hurt; and they forced me all the voyage for feare of my life to quite my kooe; quhilk is a heavie oppression and deserves exemplarie punishment." He craves summons against these persons. [On the back] "*Apud* Edinburgh, 11° Januarij, 1642. *Fiat ut petitur.* M. A. GIBSONE, Durie."

11th January 1642. Supplication by Adam Irving, son to the deceased William Irving of Bonshaw, in respect of his illegal imprisonment by John Rome of Dalswinton.

110. Supplication by Adam Irwing, son to the deceased William Irwing of Bonshaw, as follows:—On the 6th instant when he pursued John Rewme of Dalswintoun before their Lordships for illegal arrest and imprisonment, they ordained the provost and bailies of Dumfreis to be charged to exhibit the supplicant and to show upon what warrant they imprisoned him. He craves that the said provost and bailies may be summoned to do so, and also to exhibit him before their Lordships. [On the back] "*Apud* Edinburgh, 11° Januarij, 1642. *Fiat ut petitur.*"

11th January 1642. Supplication by Dame

111. Supplication by Dame Forbes, Lady Caskiben, as follows:—Upon a caption raised by Mr Alexander Jaffrey of Kingswalls and Thomas Johnestoun of , chamberlain of Caskiben, upon a

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horning against her for her non-compearance before their Lordships, she has been apprehended and made a prisoner with her husband in the tolbooth of the Cannogait. Now she was never lawfully charged to compear, and she is willing to enact herself under a penalty of 300 merks to appear on 24th February next, and that she will pay £40 for her escheat as she is not able to find caution. She craves that her incarcerators may be cited to see the horning suspended and her released therefrom and the bailies of the Cannogait ordained to release her. [On the back] "*Apud* Edinburgh, *undecimo Januarij*, 1642. *Fiat ut petitur.* LOUDOUN, Can^llrius, I.P.D." Forbes, Lady Caskieben, now with her husband a prisoner in the tolbooth of the Canongate, for suspension of horning.

112. "Our verie honorable good Lords, Wee have now receaved three letters from your Lordships, and with the last twa papers of articles givin in be your Lordships to the English, which wee have compared with your instructions and find that you have faithfullie discharged the trust committed be the Counsell to you; and doe still require you to urge tymous and speedie satisfaction to your particular propositions, which wee find most necessarie for the good of the service, and so much the rather in regard of the intelligence which wee daylie receave from Ireland of the hard and almost desperat caise of his Majesteis good subjects there, so as if they receave not tymous supplee they ar like to become ane irrecoverable prey to these rebells, and the touns and forts necessarie for the use of our armie be all appearance will be gaynned be the enemie. We cannot give farther directions to your Lordships in this bussines till we heare the particular ansuers givin to your severall propositions. Onelie this for the present wee desire, that the pay to be allowed to the 2500 men on foot be quicklie condescended upon and some present and speedie course tane for sending the same thither, in regard of the great charge wee ar at upon the interteanment of the men. And so expecting your Lordships frequent advertisements of your proceedings, as we sall continue in giving our best advice and directions for the good of this service, we rest, your Lordships verie assured good freinds." 13th January 1642. Letter of Council to the Lords commissioned to superintend the supply of necessaries for the distressed subjects in Ireland.

113. Supplication by Mr James Mowat of Ollaberrie, Ninian Nevein of Windhous and John Nevein of Lowning, as follows:—On a criminal horning executed against them at the instance of Mr Patrick Cheyne of Valley, Lawrance and James Cheyne, his brothers, Matthew Sinclair, son to Laurence Sinclair of Ustanes, Robert Irwing, servitor to the said Mr Patrick, and Gilbert Hay, servitor to Andrew Giffert of Melbie, caption was raised and they were apprehended and are now prisoners in the tolbooth of Edinburgh. They have on good reasons obtained themselves relaxed from the said horning and cannot therefore lawfully be longer detained in prison, and accordingly they crave that the provost and bailies of Edinburgh may be charged to put them to liberty. [On the back] "*Apud* Edinburgh, 13 January, 1642. *Fiat ut petitur*, Ninian 13th January 1642. Supplication by Mr. James Mowat of Ollaberrie and others that they may be liberated from the tolbooth of Edinburgh as they have been relaxed from horning.

Nevin first finding caution for his appearance before the Counsell and answering to the complaint given in against him be the Commissioners for Zetland under the paine of ane thousand merks. LOUDOUN, Can^llrius, I.P.D." Miscellaneous Papers.

13th January 1642. Supplication by John Innes and Grissel Grant, his spouse, for letters of treason against Duncan Grant of Clurie.

114. Supplication by John Innes, eldest lawful son of William Innes of Tombreakachie, and Grissel Grant, his spouse, as follows:—On 3rd November, 1640, Duncan Grant of Clowrie was put to the horn at their instance for non-payment of a debt of 500 merks with interest and expenses. He contemptuously abides at the horn, uplifts his rents and dwells in his houses as peaceably as if he were his Majesty's good subject. They crave letters of treason against him. [On the back] "*Apud* Edinburgh, 13 January, 1642, *Fiat ut petitur*. M. A. GIBSONE, Durie."

13th January 1642. Supplication by James, Marquis of Hamiltoun, collector-general of the taxation, for letters charging all persons to pay their taxes who have hitherto failed to do so.

115. Supplication by James, Marquis of Hamiltoun, collector general of the taxations "ordinar, extraordinar and tuo of ten" granted to his Majesty in June, 1633, as follows:—The whole six terms of the said ordinary taxation, the six terms of the taxation of "tuo of ten" and the whole twelve terms of the extraordinary taxation are now long past, but there are sundry persons who are still due these and will not pay them without compulsion. He craves that letters may be granted charging all noblemen and others who are lords of erections and other beneficed persons, and their bailies, chamberlains and factors, as also all sheriffs, stewards, bailies and their deputes, and the provosts and bailies of free burghs or their clerks, personally or by proclamation at the market crosses, and at the market cross of Edinburgh and pier and shore of Leith to pay the same to his officers and deputes, and for the giving of the inventories by the clerks of the several jurisdictions of the sums due by persons in their bounds. [On the back] "*Apud* Edinburgh, 13th January, 1642. *Fiat ut petitur*, LOUDOUN, Can^llrius, I.P.D."

13th January 1642. Supplication by James, Marquis of Hamilton, collector-general of the taxation, for letters charging the feuars and tacksmen of the suppressed archbishoprics and bishoprics to pay their quota of taxation.

116. Supplication by James, Marquis of Hamiltoun, collector general of the taxations granted to his Majesty in 1633, as follows:—In the late Parliament held at Edinburgh in June, 1640, "the name, title and dignitie of archbishopes and bishopes ar found and declared to be unlawfull within this kirk and kingdome and so extirpit and rooted out of the samen," but there are still great sums unpaid of the said taxation of the archbishoprics and bishoprics and other benefices annexed thereto, which lie in the hands of the feuars, vassals, tacksmen and pensioners of the said benefices. He therefore craves letters for charging them to make payment of the same in terms of the taxed rolls of relief already made, and where there are no such rolls according to use and wont, and that within twenty days after the charge if the persons charged be within the kingdome, and sixty days, if out of the kingdome, after proclamation at the market cross of Edinburgh and pier and shore of Leith. [On the back] "*Apud* Edinburgh, 13th January, 1642. *Fiat ut petitur*. LOUDOUN, Can^llrius, I.P.D."

scellaneous pers.

117. Supplication by Thomas Dalyell of Binns, as follows:—On 21st September and 7th October last William Livingstoun of Westquarter was put to the horn for non-payment for a great many years of the interest of 2250 merks, and he thereupon raised caption against the said William, "but none will adventure to putt the same in execution aganis him in regard of his power about the Fawkirk quhair he dwells and is baillie and exerces that place and behaves himselfe as if he wer a free subject." He craves summons against him. [On the back] "*Apud* Edinburgh, 13th January, 1642. *Fiat ut petitur.* M. A. GIBSONE, Durie."

13th January 1642. Supplication by Thomas Dalziel of Binns for letters of treason against William Livingstone of Westquarter.

118. Supplication by Dame , Lady Quhittinghame, as follows: On July last James Home of Eckills, Andrew Bruntfeild of Neathermaynes and other eighteen persons, armed with swords, Jedburgh staves and other weapons, taking advantage of the troubles of the time, came in a violent and hostile manner to her liferent lands of Nunbank, possessed by George Fogo, her tenant, and breaking up the doors of his dwelling house, drove away his cattle and goods, "and patt on the goods perteaning to George Home, his father-in-law, upon the same, and as yitt keepes and deteanes this his unlawfull possessioun." She craves summonses against the said persons. [On the back] "*Apud* Edinburgh, 13 January, 1642. *Fiat ut petitur.* M. A. GIBSONE, Durie."

13th January 1642. Supplication by Lady Whittinghame for summons against James Home of Eccles and others, whom she accuses of dispossessing her tenant, George Fogo.

119. Supplication by Sir John Blacader of [Tulliallan], as follows:— He has been summoned to appear this day at the instance of George Bruce of Carnock and others upon letters of treason for rendering his house and entering himself prisoner in Blacknes. He is ready to obey if he could be secured from the danger of the law for debt. He therefore craves a protection, and that the sheriff of Edinburgh and his deputes and the provost and bailies of Edinburgh, and all other officers of the law might be discharged from apprehending him. [On the back] "*Apud* Edinburgh, 13° January, 164 . . Continowis this bussines till Tuesday and protects for eicht and fourtie houres before and 48 houres after. LOUDOUN, Can^{ll}rius, I.P.D."

13th January 1642. Supplication by Sir John Blackadder of Tulliallan for protection that he may enter himself prisoner in Blackness.

120. Supplication by John Irwing in Old Aberdene, as follows:— On September last Thomas Cumming there, Elspet Barcar, his spouse, and George Cumming, their son, armed with swords, dirks, batons and other weapons, came under cloud and silence of night to the market cross of Old Aberdene as he was going to his own house near by, and at unawares, with the intention of killing him, gave him "manie bauche, blae and bloodie straikes upon the head, face and others parts of my bodie, rave the haire out of my head and held me be the same till with a durk and thair neiffs they pitifullie disfigured my haill face." They would have killed him but for the intervention of the neighbours. "Upon the morne thereafter Thomas Mercer, baillie of the said citie, rancountering me on the hie way did first upbraid and threatten me for

14th January 1642. Supplication by John Irwing in Old Aberdeen for summonses against Thomas Cumming and others, whom he charges with assault.

not compleaning to him of this wrong, unto qwhom I having givin all reasonabill satisfaction with modestie and respect, the said baillie, aganis the dewtie of his place, not onelie shamefullie abused me with contumelious and opprobrious speeches, but also patt violent hands in my person and with his hands and feit wounded me to the effusion of my blood." He craves summonses against these persons. [On the back] "*Apud* Edinburgh, 14 January, 1642. *Fiat ut petitur*. HAMILTOUN."

14th January 1642. Supplication by William Cunningham of Aiket, in which he craves that his wife be summoned before the Council and that her horning against him be suspended.

121. Supplication by William Cunningham of Aikett, as narrated (*ante*, p. 215), to which he adds in reference to her pursuit of him before the Council, that she had adduced certain persons as witnesses against whom he had very just cause of exception, "as suborned by her, at the least persons who in law can never be admitted aganis me for the reasons which I sall give in. And since the skailling of my hous and others wrongs which I have receaved in maner foresaid she hes receaved from me eight hundreth merkes, so as heirby and by the manie burdens which I receaved upon my estat I am reduced to verie great extremitie; and unlesse your Lordships take some course heerin to make the said Anna returne to her familie and adherence with me, others of her dispositioun, by her example may work your Lordships verie much trouble and thair husbands no small disgrace and detriment." He craves that his wife may be summoned before their Lordships, and that her horning against him may be suspended. [On the back] "*Apud* Edinburgh, 14 January, 1642. *Fiat summonitio ut petitur* to the 24 day of Februar, and to discharge *ut infra* untill the last day of the said moneth; becaus the supplicant hes consigned the one hundreth pounds chargit for presentlie and hes fund caution for the other payable at Marche nixt. GLENCAIRNE."

15th January 1642. Supplication by Hadrian Bowart, doctor of physic, indweller in Dysart, for summons against John Simson and others for assault.

122. Supplication by Hadrian Bowart, doctor of physic, indweller in Dysert, as follows;—On last he was in the dwelling house of John Simson there doing his lawful business, when William Simsone of Fedinche came in upon him and suddenly, without any offence given, "first contumeliouslie upbraided me, calling me landloupper and begger knave; thereafter the said Johne Simsone held me till the said William with a whinger strake out diverse strokes at me, speciallie ane wherewith he intended to have killed me on the head, but be the providence of God he onlie strake me throw the hatt and then preast to have cast me over stairs, quhilk they had not failed to have done wer not the helpe of the neighbours. Lykeas Alexander Simsone, uncle to the said William and baillie of the town, agane the dewtie of his place, daylie threattens me with imprisonment and searches for me with his officers if I sall complaine of this wrong." He craves summons against these persons. [On the back] "*Apud* Edinburgh, 15 January, 1642. *Fiat ut petitur*."

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123 Supplication by George Broun, sometime indweller in Hyndlaw and now in Chouslie, as follows:—In 1639 he was tenant to Sir Patrick Home of Polwart of his lands of Hyndlaw, and having to remove, he settled with Sir Patrick and obtained a full discharge and an obligation that no impediment would be placed in the way to the removal of his corns to whatsoever place he pleased under the penalty of £100. Nevertheless, upon October, 1639, the said Sir Patrick, with twenty persons armed with picks, lances, swords and other weapons, came to the supplicants tenants and servants as they were conveying his said corns "on carts and waines frome Hyndlaw to Chouslie, patt violent hands in my servants, gave thame manie bauche and blae straikes with thair saids weapons in diverse parts of thair bodeis, reft frome thame the haill cornes, viz. 50 score thraves oates, 15 score thraves beir, and 20 thraves peis, and caried the same to his barnyard of Reidbraes and Hyndlaw and dispouned thairupoun at his pleasure." He craves summons against Sir Patrick. [On the back] "*Apud* Edinburgh, 15 January, 1632. *Fiat ut petitur.* MAR." 15th January 1642. Supplication by George Brown, indweller in Chroustie, for summons against Sir Patrick Home of Polwart, whom he accuses of violently seizing his corn in breach of a contract between them.

124. Supplication at the instance of Mr James Drummond, brother to the Laird of Innermay, as follows:—On January instant he was on his way from Edinburgh to "and about night comming neir to the Bridge of Stirline I foregathered with one, Alexander Campbell, son to Campbell at the Milne of Achlen, with whom I entered in conference and directed him to William Chrysties hous at the neather bridge end to speir for twa gentlemen, who having returned to me undertooke to show me a cleere and saife way home in regard it wes dark; quhairof I, being glade, went on with him. But he, or ever I wes awar, led me and my horse in a ditche where the hors, being wearied, laired, and the said Alexander thrust me aff in the myre and drew his durk and tooke frome me my purse with j^{c} lib. being therein and a packate of letters, and so went away, I knew not quhair. Quhilk being a wicked robrie and quhairof the tryell can be hardlie found out but by strict examinatioun be your Lordships," he craves summons against the said Alexander. [On the back] "*Apud* Edinburgh, 15 January, 1642. *Fiat ut petitur.* HAMILTOUN." 15th January 1642. Supplication at the instance of Mr. James Drummond, brother to the Laird of Invermay, for summons against Alexander Campbell for assault and robbery.

125. Supplication at the instance of Grissell Robertsone, spouse to Moses Clark, tailor in the Cannogait, as follows:— Leslie, sometime indweller in Edinburgh, was due 200 merks to the supplicant, and as she could not obtain payment she gave the bond to James Mowat of Fawside, writer, to take legal proceedings for recovery of the debt. Meanwhile the party settled with the supplicant personally and received a discharge with an obligation to report the bond. Later a charge was served upon the supplicant to produce the bond, whereupon she went on Saturday last to James Mowat's chamber to crave it. But not only did Mowat refuse to give it, he also "patt violent hands in my person, 17th January 1642. Supplication at the instance of Grissell Robertson, spouse to Moses Clark, tailor in the Canongate, for a summons against Jame Mowat of Fawside, writer, for assault and

for the production of a bond.

strake me on the face with his neiffs to the effusion of my blood, kuist me to the ground and he and , his servant, shamefullie and cruellie strake me with thair hands and feit; quhilk is a great insolence in the said James to be committed so neir the ordinarie judicatoreis thair sitting." She craves summons against them and for production of the bond. [On the back] "*Apud* Edinburgh, 17th January, 1642. *Fiat ut petitur.*"

18th January 1642. Continuation of sheriffships.

126. Copy of the Act of Council for the continuation of the sheriffships (printed *ante*, p. 180). Signed by LOUDOUN, Can^{ll}rius, I.P.D."

18th January 1642. Supplication by Mr. Robert Bruce, minister at Aberdour, for a summons against Captain David Phin for defiance of the supplicant's kirk-session and abusive language to the supplicant.

127. Supplication by Mr Robert Bruce, minister at Aberdour, as follows:—"The boasting, minassing, persute and invasion of ministers" is strictly prohibited by several acts of Parliament, specially by one of 1633; nevertheless, "the session of the kirk having appointed a seate to Johne Kirkaldie, ane of our parochiners to be placed at the north-west doore, nixt to Mr Johne Phins seate, whereunto the said Mr Johne did also condescend (but I cannot tell upon what thoughts he changed his resolution) and upon the day of December last Captane David Phin at his direction removed his fathers seate in prejudice of the sessions act, as also without thair warrant he removed another seate of the kirk. And upon the 26 of December, being the Lords day, being challenged for the same, he not onelie proudlie avowed the fact in face of the session, but also uttered manie opprobrious speeches aganis me, saying if I wer not the man I wes he sould be about with me, accusing me that I had preached all my sermon aganis him, and posing me upon my conscience if I reproved him out of malice or invy, and with that also offered his battoun to me. Quhilk miscariage is so contrare to the law and prejudiciall to my ministrie and disgracefull to the credit of my calling as I cannot but in dewtie remonstrat the same to your Lordships least others of his disposition by his impunitie fall in the like offence." He craves summons against the said Captain. [On the back] "*Apud* Edinburgh, 18th January, 1642. *Fiat ut petitur.* DUNDAS of that Ilk."

19th January 1642. Supplication by William Monteith against Sir Alexander Nisbet and his son.

128. Supplication by William Monteth, merchant burgess of Edinburgh, as narrated (*ante*, p. 219), craving letters of treason against Sir Alexander Nisbitt of that Ilk and his son. [On the back] "*Apud* Edinburgh, 18 January, 1642. *Fiat ut petitur.* DUNDAS of that Ilk."

18th January 1642. Supplication by William Lowdoun, servant of the Marquis of Hamilton, for summons

129. Supplication by William Lowdoun, servant to the Marquis of Hamiltoun, as follows:—On 12th August, 1630, John Maxwell of Gosfeild was put to the horn at his instance for not paying a debt of 1100 merks and 200 merks of expenses, and, as he spurned these, the supplicant was obliged to raise letters of caption against him, in virtue of which on 8th March, 1631, he caused John Pinkertoun, provost of

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Rutherglen, in whose company the rebel was for the time, to be charged to apprehend him and ward him within the tolbooth of Rutherglen. But in contravention of the duty of their office the said provost, and John Scot and John Pinkertoun, bailies, set the said rebel at liberty, and are thereby become debtors to the supplicant for his debt, as well as liable to censure for their neglect of duty. He craves summons against the said provost and bailies. [On the back] "*Apud* Edinburgh, 18 January, 1642. *Fiat ut petitur.* DUNDAS of that Ilk." — against the magistrates of Rutherglen for setting a rebel at liberty.

19th January 1642.

130. Supplication by William Colvein, brother of James Colvein of Preistoun, as narrated (*ante*, p. 187). He craves summons against his assailants. [On the back] "*Apud* Edinburgh, 19th January, 1642. *Fiat ut petitut.*" — Supplication by William Colvin, brother of James Colvin of Preston.

19th January 1642.

131. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, Robert Irwing, now of Lenturk, and Sir Alexander Irwing of Drum, as narrated (*ante*, p. 279). They crave summons against Mr Robert Gordon of Straloch and others. The petition is signed by S. Thomas Hope. [On the back] "*Apud* Edinburgh, 19 January. 1642. *Fiat ut petitur.*" — Robert Irving and Sir Alexander Irving of Drum against Mr. Robert Gordon of Straloch and others.

19th January 1642.

132. Supplication by John Kennedie of Haleiths and James Dowglas of Mortoun, as follows: They obtained a decreet before the steward of Annerdaill against John Johnestoun of Preistdyke for the sum of £77, but to frustrate the execution thereof Johnstoun forged a copy of a suspension as procured by warrant of the Lords of Session, and directed Andrew Johnestoun, his servant, to charge the supplicants to compear before these Lords on 15th January, 1641. The said John Kennedie came to Edinburgh in obedience thereto and the pretended suspension being twice called before their Lordships, no compearance was made nor suspension produced. Finding himself thus "ludified," he went to the Clerk of the Bills to see if any such suspension had been passed, and after long search found that there was none. This "coosenage of dangerous preparative" merits exemplary punishment. He therefore craves summons against the said John Johnestoun. [On the back] "*Apud* Edinburgh, 19 January, 1642. *Fiat ut petitur.* J. CARMICHAELL." — Supplication by John Kennedy of Haleiths and James Douglas of Morton for summons against John Johnston of Preistdyke for forging a copy of a suspension.

Edinburgh, 19th January 1642.

133. "*Apud* Edinburgh, 19 January, 1642.—Levin; Mar; Cassills; Dalhousie; Burley; Dundas.

"The Comittee haveing red and considerit the severall reports sent in be the shyres anent the levey requyred for suppressing the rebellion in Ireland, they find that reports are not given in be all the shyres that wer written to, and for thir reports that are given in they find thame not satisfactorie and that thir is no assurance given thairby for furnishing of men, and nothing may be expected almost be anie thing that is yit done." — The shires and the levies for Ireland.

Anent the best method of raising levies in the shires.

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"The Comittee haveing entered into the consideration of the wayes of levey they find that the levey most either be be distribution of the nomber to be leveyed upon the shyres, or els be chosing of colonells and officers and giveing thame power to levey and touk drume throw the kingdome. For the division on the countrey its alledgit it will free the countrey of levey money and charges till the companies be compleit and be a sure and speedie way; bot it is conceaved to appeare too near the forme of a presse, quhilks is of a dangerous consequence; besyde it is il lykit of be the shyres as may be [*sic*] appeare by some of the reports quherin they requyre both levey money and arrears. And it will breed many questions and delayes anent the equal proportions, for that it is alledgit that the divisions formerlie made thir 2 yeares were not equal, and the shyres will take hard the lyke division now; nether were it just to impose ane inequal division; be whiche inconvenients the other forme of levey with touckeing of drum will be free and will be fund ane expedit way, the c[olonells be]ing rightlie chosin, able and popular men."

"It is lykewayes . . . [torn] be the shyres to know who sall be General and collonel . . . regiments, as most conduceing for the service."

"The Comi[tee . . .] the consideration of the propositions above written to the . . . and withall doth remonstrat to the Counsell . . . thamselfes to thane forme of levey with touckeing . . . and appoynting of colonells."

"It is lyke . . that order be given for the present reddines . . . quherof the Lord Sinclar the Laird of Lawers . . . ous sone are colonells."

21st January 1642. Supplication by James Bannerman, bailie of Dunkeld, for summons against John M[c]Duff, elder in Balnavert, and others for hamesucken.

134. Supplication by James Bannerman, bailie of Dunkeld, as follows:—On the 14th instant John M[c]Duff, elder in Balnavert, Alexander, John and Thomas M[c]Duff, his sons, and others to the number of twenty-four persons, armed with swords, targes and other weapons, came by way of hamesucken under cloud and silence of night, about midnight, to the said bailie's dwelling house in Dunkeld, when he and his family were at their rest, with the intention of forcibly entering the same and killing him. "Not finding entrie as they expected they forciblie assaulted my hous at all quarters, brake up my windowes, glass and brods of the same, kuist in stones thereat, threatning to bind me and my haill familie and to trampe upoun our belleis; brake doun our forestairs, furiouslie brashed at our yetts, and made such ane feare-full assault as all my familie, speciallie my wyfe, wes affrighted there-with and putt in hazard of thair lyffes. And upon the great noise the people of the toun, speciallie the Erle of Atholls servants, wer wakenned and came for our releeffe, otherwayes they had committed some strange and barbarous outrage upon me and my familie; quhilk is ane proud insolence and attempt of dangerous consequence, unsufferable in a king-

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dome subject to law and justice." He craves a summons against these persons. [On the back] "*Apud* Edinburgh, 21 January, 1642. *Fiat ut petitur.*"

135. Supplication by Mr John Wiliamesone as narrated (*ante* p. 194). Only the wording of the petition has been in some places toned down and shortened. The supplicant writes "They wroght sic divilische inmitie betuix my wyff and me"; and in reference to the sequestrations, "for sevin yeiris and sua furth frome sevin yeiris to sevin yeiris till the worldis end." So in reference to his going abroad "sumtymes in Ingland, sumtymes in Holland and uther pairtis of the world, quhair finding myself pinched withe povertie and nakednesse I was forcit to come hame agane and creip unto thame for mercie and support who ar the causes of my miserie." And when he went to Sanford he writes—"They maist violentlie, maisterfullie and maliciouslie closes thair dores and gaittis and will not suffer me to have acces to my owne wyff and childrene to mak my meane unto thame, fearing possiblie that shee sould have some remors upoun the sight and sense of my miserie, sa that efter I had made verie hard shiftis to borrow and beg a litle money to transport me thair to speik withe my wyff thay have kepit thair entres so close upoun me that I have lyen as a miserable begger about thair dores quhill not onlye my haill money hes beene spent bot also hes beene forcit to sell my cloke for payment of my expenses without the hous when thay in the meane tyme wer leving plentifullie upoun my meanes without ony regaird of my afflictioun. And seing my parents and frendis have desertit me for my simplicitie in suffering myself to be sa deludit, and I am destitute of all meanes to enter in civile process aganes thame," he craves that the defenders may be punished for their "violence, crueltie and oppressioun" and that he may be restored "to my christiane libertie and to the fruitioun of my said wyff, childrene and estate," or at least that he may have a competent proportion of his own means to live upon, and that the defenders should be obliged to produce his wife. [On the back] "*Apud* Edinburgh, 22 January, 1642. *Fiat summonitio* aganis the parteis within complained upon. M. A. GIBSONE, Durie."

22nd January 1642. Supplication by Mr. John Williamson.

136. Supplication by John Kennedie in , as follows:—On September last Thomas Fergussoun of the Thrave, and George, John, Robert, Margaret, Janet, Katharine, and Jean Fergussoun, his children, armed with rungs, staves and other weapons, came to the supplicant and Isobel Smith, his wife, as they were shearing their corn, "patt violent hands in our persons and gave us manie bauche, blae and bloodie straikes in diverse parts of our bodeis to the great effusioun of our blood, so as my wife parted with barne and as yitt is not able to worke; and thereafter, under cloud and silence of night, caried away our haill cornes to thair owne barne yaird and dispouned thereupoun at

24th January 1642. Supplication by John Kennedy for summons against Thomas Ferguson of the Thrave and others for assault.

thair pleasure. And thereafter in the moneth of October the saids Thomas, George, Johne, Robert and James Fergussouns lay at await for me in a glen as I wes going to Maybole and sett upon me or ever I wes awar to have tane my life, and took my horse from me and the goods being thereon" He craves summons against these persons. [On the back] "*Apud* Edinburgh, 24 January, 1642. *Fiat ut petitur.*" Miscellaneous Papers.

25th January 1642. Sir John Hay, late Lord Clerk Register.

137. Copy of the Act of Council exonerating John Hay, late Lord Clerk Register, printed *ante*, p. 184.

25th January 1642. Supplication by Violet Douglas, widow of Andrew Riddell of that Ilk, and others for summons against William Lees and others for assault and injury done to their property.

138. Supplication by Violet Douglas, widow of Andrew Riddell of that Ilk, and John Tod in Clints, and Somervell in Hartside, her tenants, as follows:—On 22nd November last, being the Lord's day, William Lees, elder in , directed forth William Lees, younger, James and George Lees, his sons, and Adame Gibsone, his servant, who lay in wait for the said John Tod in time of sermon, and setting upon him fiercely on the highway with drawn swords and staves wounded him on the head and elsewhere to the effusion of his blood. And when by the providence of God he escaped they killed his dog. Further, on 22d August, being the Lord's day also, the said William Lees, younger, and James Borthuick and William Frenche, servitors to the said William Lees, elder, came to that part of the said Violet's lands of Hartside, called the Langecleuche, "where we had our best sheepebeild for winter, and maliciouslie rugged up the haill hedder of the saids bounds and caried the same away on carts and waines, so as for want of the same my sheepe wer in great danger of perishing this winter." Summons is craved against the persons complained upon. [On the back] "*Apud* Edinburgh, 25 January, 1642. *Fiat ut petitur.*"

26th January 1642. Supplication by John Black and Thomas Black, his son, for liberation from ward.

139. Supplication by John Black and Thomas Black, his son, as follows:—They obtained a decreet before their Lordships on the 25th instant [See case narrated *ante*, p, 187], and they crave charge against the provost and bailies of Dumfreis to liberate them. [On the back] "*Apud* Edinburgh, 26 January, 1642. *Fiat ut petitur.* HAMILTON."

27th January 1642. Mr. Andrew Watson, vicar of Peebles, against James Williamson and John Mure in Peebles.

140. Supplication by Mr Andrew Watson, vicar of Peebles, against James Williamsone and John Mure in Peebles, as narrated [*ante*, p. 193]. He craves summons against them. [On the back] "*Apud* Edinburgh, 27th January, 1642. *Fiat ut petitur.* HAMILTON."

27th January 1642. Summons at the instance of Sir George Johnston of Caskieben, now

141. Summons at the instance of Sir George Johnestoun of Caskiben narrating that some of his creditors, "not contenting thameselves to be full handed and possest of his estat and thereby to gayne and reape much more benefit nor is thair dew, they have also made him prissouner in the tolbuith of the Cannogait and so think to debarre him frome hearing and calling thair unjust dealing to accompt, perswading thame-

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selves that no man will undertake for him so long as he is denuded and they possest of his meanes; and indeed his miserie upon thir occasions is verie great and hes bred him muche greefe by the restraint of his libertie and hard interteanement in this unwholesome prissoun, so as now he is become verie weake and infirme and be all appearance cannot live long without the benefite of wholesome air"; and citing the following creditors, viz. Mr Robert Burnet, advocate in Edinburgh; Patrick Forbes and John Bonar, burgesses there; Thomas Jhonstoun of Craig, Mr Alexander Jaffray, Mr Robert Farquhar, Mr William Guild, Walter Cochrane, George Rickart, Charles Dun and Patrick Jak, burgesses of Aberdene; Mr James Sandilands, commissary there; Begis Forbes in Aberdene; Robert Keyth in Covie, Robert Keyth in Leybridge, John Coutis in Culairly, Isobel Forbes, spouse to the deceased Alexander Glenay in Aillhous of Vall; William Orume in Ordifork, his son-in-law; Robert Arbuthnot in Little Fidd . . . , and Jean Rait, his spouse; George Cullen, Alexander Forbes of Auchinturk, Alexander Knox and Beatrix Forbes, his spouse, to compear before their Lordships on . Dated at Edinburgh, 27th January, 1642, and signed by ARCH. PRIMEROSE, Cler. S. Cons.

prisoner in the Canongate tolbooth, for a summons against Mr. Robert Burnet and others.

142. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Hay of Crimondmogat and William Hay, his son, as follows:—The bearing of hagbuts and pistols, convocation of the lieges and apprehending and warding of his Majesty's free subjects are prohibited by law, notwithstanding whereof, there being certain actions in dependence before the Lords of Session between the said John Hay and John Fraser, brother to the Laird of Philorth, respecting the lands of Rothrachie in which the interlocutors have always been in Hay's favour until towards the end of the session of 1639 when the Lords, not having time to end the matter, ordained the rents of the lands in dispute to be sequestered in the hands of Thomas Gordon of Brodland, in contempt of this ordinance the said Laird of Phillorth and his said brother with others, to the number of persons, armed with guns, muskets, pistols and other weapons, came to the said lands and compelled the tenants to pay him the rents, and has continued since to do so. Further on September thereafter the said John Fraser, accompanied by a great many persons, armed as above, came to James Smith's portion of the said lands of Rothirachie and cut and led away his corns, who for this renounced his tack in the hands of the said John and William Hay, and they then took possession thereof. Again, on September, 1640, the said John Fraser came with a great many persons armed as above to the said James Smith's house, which was then in possession of the said William Hay, and demolished and cast down the barns, byres and stables, as also "a chamber above the said James and his wyffes heid," took possession thereof, caused cut and lead his crops, and till and labour the lands, of which he still keeps possession. More-

26th January 1642. Supplication by John Hay of Crimondmogat and William Hay, his son, for summons against John Fraser, brother to the Laird of Philorth, and others, whom they charge with injuring their property and with illegal warding.

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over, when on 20th June, 1640, the said William Hay sent William Blyth, his servant, with a notary "to mak civill interruption to a fald bigged be the said John Fraser upon my lands of Rothriache and quherunto he had called in his goods, the said Johne Fraser, accompanied with came to my servant and the notar, held gwnnes and pistolls to thair breasts threatning to kill thame if they made anie interruption and discharged thame to use certane summounds quhilk they had aganis the tennents. Lykeas upon the day of September, 1640, I, the said William Hay, being going in peaceable maner about my awne hous, the said Laird of Phillorth directed the Laird of Streachin to me, who dealt with me to condescend that the cornes of the contraverted lands sould be sequestrat, quherunto I yeelded. But in this meanetime the said Laird, accompanied with , all boddin in hostile maner, over raid my lands of Cremondmogat, mill and mill lands therof, resolved if he had found my selfe to have tane my life, and brought carts, sled and all other preparations for carying away the cornes of my owne proper and uncontraverted lands. And last, becaus I, the said James Smith, dwelt upon the saids lands of Rothriache and payed the said William Hay maill and dewtie, the said Johne Fraser upon the day of apprehended me and keeped me prissouner in Fraserburgh 9 weeks upon a pretendit horning quhilk wes suspended and the suspension intimat to him." They crave summons against the persons complained upon. (Signed) S[r] Thomas Hope. [On the back] "*Apud* Edinburgh, 26 January, 1642. *Fiat ut petitur.*"

26th January 1642. Supplication by Sir George Johnston of Caskieben for liberation from ward in the tolbooth of the Canongate. See *ante*, p. 526.

143. Supplication by Sir George Johnestoun of Caskieben, as follows:—Certain of his unkind and rigorous creditors, not content to be full-handed and possessed of his estate, thereby gaining and reaping much more benefit than is their due, have made him prisoner in the tolbooth of the Cannogate, and think thus to prevent him from calling them to account, because no man will undertake for him so long as he is out of possession of his estate. His misery on this account is very great and his grief is augmented by the restraint of his liberty and hard entertainment in an unwholesome prison. He is now very weak and cannot by all appearance live long without the benefit of wholesome air. He therefore craves their Lordships to commiserate the hard condition of a distressed gentleman and enlarge his prison to the burgh of Edinburgh and two miles about upon a penalty. [On the back] "*Apud* Edinburgh, Januarij, 1642. Ordains the partie to be warned. LOUDOUN, Can[ll]rius."

27th January 1642. Supplication by John, Earl of Kinghorn, and others for letters

144. Supplication by John, Earl of Kingorne, George, Earl of Seafort, Sir Robert Innes of that Ilk, Alexander Forbes of Auchintoull and Sir Thomas Hope of Craighall, his Majesty's Advocate, as follows:—On 31st August last John Forbes of Largie became cautioner in their Lordships' books for Alexander, Lord Forbes, that the said Lord Forbes would not

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molest the supplicants nor their tenants, etc., under a penalty of 2000 merks, and yet upon 17th December last, when the said Alexander Forbes of Auchintoull, as tacksman, chamberlain and factor for the other supplicants in the rents of the living of Forbes, was dealing with their tenants theirof in the house of George Garioch in Little Endinie, "Alexander Forbes, domestick servant to the said Lord Forbes, who hes also dwelt these 12 yeeres at his yett of Pulfluge, and is such a person for whome the said Lord is answerable be the said act, came to the said hous under cloud and silence of night and er ever our said factor wes awar entered the hous, crying that he sould burne the same for ressetting the said Lord Forbes open enemie (for so he wes pleased to designe the gentleman), brake ane staffe upon him, swearing that they wer all false knaves that mainteanned him, and had not failled to have committed farther insolence upon him if he had not beene stayed and holden be some people in the hous; whereat being enraged he vowed to watche for our said factor before he went out of the countrie and that he durst not goe and uplift our tenents rents of Mekle Endinie, but that he sould gar thame all sitt free there." They claim that hereby the said Lord and his cautioner have broken their act of caution and forfeited the penalty thereof, and crave letters against them accordingly. (Signed) Sr THOMAS HOPE. [On the back] "*Apud* Edinburgh, 27 January, 1642. *Fiat ut petitur.*"

against Alexander, Lord Forbes, and Alexander Forbes, his domestic servant, who has assaulted a tenant of the supplicants.

145. Supplication by Patrick Maule of Panmure, one of his Majesty's Bedchamber, and Sir Thomas Hope of Craighall, his Majesty's Advocate, as follows:—In contravention of the laws forbidding the carrying of hagbuts and pistols and killing of doves therewith, Mr John Scot, indweller in Leuchland, Carnegie, son of James Carnegie, citizen of Brechin, and . . . have on . . . resorted with guns and hagbuts to the said Patrick's lands of the lordships of Brechin, Navar, Panmure, Dunne, Carmylie and Ballinschene, and "aganis the law shott and killed the dowes being on the dowcats of the saids lands, and hes made great slaughter and destruction of the same." They crave summons against these persons. (Signed) Sr THOMAS HOPE. [On the back] "*Apud* Edinburgh, 28th January, 1642. *Fiat ut petitur.*"

28th January 1642. Supplication by Patrick Maule of Panmure for summons against Mr. John Scott, indweller in Leuchland, and others, whom he charges with shooting his pigeons.

146. Supplication by Thomas, Lord Kirkcudbright, as follows:—He is tacksman of the teinds of the kirks of Anveth and Urre, and titular of the parsonage tithes of Kirkchrist, and he has been charged to pay £40 16s. 8d. termly for the kirk of Anveth, £100 termly for the kirk of Urre, and £27 10s. 4d termly for the parsonage of Kirkchrist, for the taxations granted in the years 1621, 1625, 1630 and 1633. The tacksmen, sub-tacksmen and possessors thereof should relieve him, and should meet with him and his commissioners for the preparation of taxed rolls for this purpose, but they will not unless compelled. He craves letters against them citing them to meet at the respective kirks on several days,

28th January 1642. Supplication by Thomas, Lord Kirkcudbright, for summons against the tacksmen of Anwoth, Urr, and Kirkchris that they may be compelled to pay their proportion of the taxation.

and that if any disobey it may be lawfull for him to insert their proportion in the rolls to be drawn up. [On the back] "*Apud* Edinburgh, 28th January, 1642. *Fiat ut petitur.*"

. . . January 1642. Refugees from Ireland.

147. Copy of the act of Council past on 1st February, 1642, respecting the relief of the refugees from Ireland, printed *ante*, p. 189. (Signed) LOUDOUN, Canllrius; Lauderdaill; Burghly; Hamilton; A. M. Argyll; Cassillis; Murray; Angus; Findlater; Balcarres; Dundas of that Ilk.

1st February 1642. Supplication by Mr. George Dundas of Maner, sheriff of Linlithgow, for letters against the feuars and heritors of his sheriffdom.

148. Supplication by Mr George Dundas of Maner, sheriff of Lithgow, as follows:—He has been charged to pay to the collector-general of the taxation granted to his Majesty in June, 1633, the whole arrears of the six terms payment of the ordinary taxation of the sheriffdom, and though the feuars and heritors therein ought to relieve him by paying 30s. termly for each pound of land held by them, they will not do so unless compelled. He craves letters to this effect, and for putting the defaulters to the horn unless they pay within twenty days after the charge. [On the back] "*Apud* Edinburgh, 1 Februar, 1642. *Fiat ut petitur.*"

1st February 1642. Supplication by Agnes Stewart, widow of James Finlay, burgess of Glasgow, for summons against Bessie Low and John Low, her husband, for destroying a legal document.

149. Supplication by Agnes Stewart, widow of James Finlay, burgess of Glasgow and executrix confirmed to him, as follows:—"Bessie Finlay and Johne Low, her husband, being familiar in my hous and abusing the trust which they had of me, surreptitiouslie tooke away out of ane discharge of my husbands tocher good quhilk he receaved with me of the soume of by the use of a false key quherwith they openned the said roume and hes destroyed the same to my great hurt and prejudice." She craves summons against them. [On the back] "*Apud* Edinburgh, 1 Februar, 1642, *Fiat ut petitur.*"

1st February 1642. Supplication by Sir George Johnston of Caskieben for summons against Mr. Alexander Jaffray and others, whom he charges with illegally occupying his lands.

150. Supplication by Sir George Johnestoun of Caskieben as follows:—In a bargain made betwixt him and Mr Alexander Jaffray and Mr Robert Ferquhar, merchants, burgesses of Aberdene, and Thomas Johnestoune of Craig, the supplicant's brother, he placed them in possession of his baronies of Caskiben and Cremond, and three years since they were fully paid by their intromissions with his rents. He expected that they would then quit their possession and suffer him to re-enter thereto, but instead of this, and taking advantage of the troubles of the time and the supplicant's inability to use legal measures, they have retained possession and meddled with his rents to the extent of £20,000. He is thereby reduced to very great extremity and misery, and rendered unable to maintain himself and his family. He craves that they may be summoned before their Lordships to be ordained to remove from his lands, or at least to provide him with a competent maintenance. [On the back] "*Apud* Edinburgh, *primo Februarij*, 1642. *Fiat ut petitur.*"

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151. Supplication by Isobel, Agnes and Beatrix Craig, lawful daughters of the deceased Patrick Craig, merchant burgess of Edinburgh, as follows:—Hugh Gordon of Grange is at the horn for not paying to them a debt of £1000 with interest and expenses for many years, and they raised letters of caption against him and committed the execution thereof to Alexander Gibson, messenger. The messenger on 17th January last found the rebel walking up and down the streets of the town of Wigtown, and thereupon charged Patrick Coltrane, bailie of Wigtown, to apprehend him, who having received the copy of the charge went to the rebel, read the copy to him and talked with him a long time, but "did no diligence for his apprehension" and suffered him to go. They crave summons against the said bailie. [On the back] "*Apud* Edinburgh, 1 Februarij, 1642. *Fiat ut petitur*, with the ordinar provision." 1st February 1642. Supplication by Isobel, Agnes, and Beatrix Craig, daughters of the deceased Patrick Craig, merchant burgess of Edinburgh, for summons against Patrick Coltrane, bailie of Wigtown, for failing to arrest a rebel.

152. Supplication at the instance of William Seatoun of Meldrum as follows:—He is informed that he has been put to the horn at the instance of Patrick Urquhart of Lethintie for not finding lawsurety to him in £1000 in their Lordships' books. Now, he was never lawfully charged to do so, and he knew nothing of the matter until he came to this town, whereby he is greatly wronged by the said Patrick, his "undewtifull sone in law." He is content to find caution as customary, and craves that the said Patrick may be cited to see the horning suspended. [On the back] "*Apud* Edinburgh, 2 February, 1642. *Fiat summonitio ut petitur* to the day of and to suspend and relax *ut infra* to the day of the same moneth; becaus the compleanner hes found caution to the effect within writtin. (Signed) MAR." 2nd February 1642. Supplication at the instance of William Seton of Meldrum for summons against Patrick Urquhart of Lethintie who has illegally put the supplicant to the horn.

153. "In the criminall actione persewit upone the secund day of Februare, j^{m}vj^{c} fourtie tua yeiris, in presence of Mr Alexander Colvile of Blair and Mr James Robertoun, his Majesteis justice deputtis, at the instance of Mr John Oliphant, substitute to his Majesteis Advocate, aganis Alexander Gylour, servand in the Base, for the schamefull and violent forceing and defloring of Jonet Boussie, ane young virgane, nocht past ten yeiris of aidge, aganis hir will and consent, and for renting and ryveing of hir secret pairtis in forceing carnall copulatione with hir to the effusione of hir blood, committit upone the sevintene day of Junij, 1640; and for the quhilk cryme the said Alexander Gylour being put to the tryell of ane assyse, the haill assyse in ane voice be the mouth of James Kirkwoid, chancellour thairoff, fand, pronuncit and declarit the said Alexander Gylour to be fyllit and convict of the violent forceing of the said Jonet Boussie, ane young lase, and bluiding of hir in hir secreit pairtis, be forceing of hir for satisfactione of his filthie lust, bot cannot find that he hes had that carnall copulatione with hir as ane man hath with ane woman in respect of hir young yeiris. Extractit out of the buikis of Adjornall be me John Bannatyne, clerk depute, etc., to his Majesteis 3rd February 1642. Case of unnatural crime.

Justice Clerk, etc. (Signed) Jo: Bannatyne." Also copy of the finding of the Council, printed *ante*, p. 192; and signed by LOUDOUN, Can[ll]rius, I.P.D., Arch. Primerose, Cler. S. Cons. Miscellaneous Papers.

3rd February 1642. The same.

154. Another copy of the act of Council decerning the punishment of John Gylour.

3rd February 1642. The army in Ireland.

155. Draft of the act of Council respecting the Irish expedition and its equipment, printed *ante*, p. 192. (Signed) LOUDOUN, Can[ll]rius, I.P.D.

3rd February 1642. Supplication by John Malcolm in Logiealmond for summons against William Moncrieff of Majorland and others for assault.

156. Supplication by John Malcolme in Logyalmond, as follows:—On January last, as he was returning from St. Johnestoun about sunset, William Moncreif of Majorland, John Broun, Ramsay and Cuthberts, tenants to George Bruce of Cultmalundeis, fiercely assailed him, and with swords, whingers and other weapons gave him many cruel strokes on the head and other parts of his body, to the effusion of his blood and peril of his life. He craves summons against his assailants. [On the back] "*Apud* Edinburgh, 3rd February, 1642. *Fiat ut* ."

3rd February 1642. Supplication by Knowes, widow of Andrew Mowat of Sayne, for relief from horning as she has been relieved from the excommunication under which she lay.

157. Supplication by Knowes, widow of Andrew Mowat of Saynie, as follows:—It has lately come to her knowledge that by direction of the moderator and brethren of the presbytery of Caithnes she was excommunicated by Mr William Smyth, minister at Dunnet, for not compearing before the said presbytery to give confession of her faith and for her alleged profession of popery, and that the said Mr William Smyth thereafter, in name of the presbytery, purchased letters by which she has been put to the horn. As soon as she knew that this had been done, she immediately thereafter "compeiret upon Sunday, being the sevint day of Julij, 1639 yeires, within the paroch kirk of Dunet, quhair I publictlie in the face of the congregatioune declaired my sinceritie and conversione from all kynd of poperie, and sweir solemlie and pomersed [*sic*] to remaine constantlie in the professione of Chrystis gospell presentlie profest within this realme, and thairafter I subscrivit the covenant that is subscrivit be the nobilitie, gentrie and commones of this kingdome, and that conforme to ane act and ordinance of the moderator and breithrene of the presbetrie of Cathnes made at Thurso upon the 3 day of Julij, 1639 yeires; conforme to the quhilk obedience mad be me in maner forsaid I was obsolved fra the centance of excommunicatione be the said M[r] William Smyth, minister, and was received againe be him as a member of Chrystis kirk," as a certificate by him declares. She should therefore be relaxed from the horn, and craves that this be ordered. [On the back] "*Apud* Edinburgh, 3 Februarij, 1642. *Fiat ut petitur* in respect of the testificat produced. LOUDOUN, Can[ll]rius, I.P.D."

Edinburgh, 4th February 1642.

158. "Att Edinburgh, the 4 of February, 1642. The Committee appoyntit for the dispatch of the Regimentis to Ireland, viz., the

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Articles anent the transportation of troops to Ireland.

Generallis Excellence, the Erle of Eglintoune, the Generall of Artaillerie, Generall Majour Monro, and the Laird of Greenock, condiscendit upon the articles following, viz. :—

1. "That the Erle of Eglintoune, with the helpe of the townes of Air and Irewing and the cost syde, sall undertak to have schippis and barkis in reddines betuixt the toune of Air and Fairlie road against Thursday the seventeene of this moneth, wind and weither serving, and the Laird of Greenock, with the assistance of the tounes of Glasgow, Dumbartane, and Ranfrew, sall have shipping reddie for the uther thowsand men at the said day, and the fraught of each man to be aggreit upon for threttie shilling Scotts the man, togidder with ane consideratioun of lydayis efter the rait of fyve pund per diem for everie bark so long as they sall ly efter the said tyme of thair randivouse having fair wind and seasonable weather for the voyage.

2. "Item, it is thought fitt that Captaine George Porterfeild of Glasgow sall have in reddines agane the said tyme 30,000 ℔. weight of good and sufficient bisket of quheitt weying ane halff pund the peice.

3. "Item, it is thought fitt that fyve hundreth bollis of meill be sent to Glasgow with all expeditioune, and that seckis be provydit and maid for that effect, narrow and handsome, and to hold the quantitie of ane halff boll.

4. "Item, that the Erle of Eglintoun and the Laird of Greenock cause put aboord in everie bark tuo barrallis of the best herringis at the cheippest pryce they can aggrie.

5. "Item, that the Erle of Eglintoun and the Laird of Greenock have in reddines each of them, with the assistance of the foirsaidis townis, fyve hundreth gallonis of aill of the best sort, being efter the calculatioun of halff ane galloun of aill for each souldiour.

6. "Item, that Captane George Porterfield aggrie with caryaris for carying of the amonitioun, quhich will requyre the number of thriescoir fyftene horses at the raitt of 200 weight upon each horse, and . . . to be directed to the Generall Majour his hous at the . . . bridge of Leith.

7. "Item, that 3 or 4 cairtis be provydit in Leith for carying of the 12 small pieces of cannoun.

8. "Item, that the commissar delyver to Captane Porterfeild 200 ℔. sterling towardis the furnishing of the provisioun abonewrittin and the remander of his just accompt to be payit at demand, he bringing ane sufficient ressait from the Generall Majour of quhat is contenit in his compt.

9. "Item, that one of the best barkis be provydit for caryage of the amonitioun and that the samen for the better saiftie be covered with greine hydis.

10. "Item, that ane commissioun be granted be the Lordis of Counsall to my Lord Eglintoun, Laird of Greenock, and Captane Porterfield, for performeing of the premisses and doing everie thing else that may

conduce to the good of this expeditioun, and if neid beis to arrest all sort of shipping for that effect and to take the saillis from the roas. Miscellaneous Papers.

11. "Item, that letters be directed from the Counsall to the townes of Aire and Irewing and the Lairds Fairlie and to the Laird of Cunynghamehead for assisting my Lord Eglintoune; and to the townis of Glasgow, Dumbartane, Ranfrew, and Greenock, for assisting the said Laird of Greenock and Captane Porterfeild in quhatsoever may contribute to the furtherance of this expeditioun."

"7 Februar, 1462. Produced, red, and allowed. (Signed) LOUDOUN, Can^llrius, I.P.D." [Endorsed] "Articles for Greenock and Eglinton for transporting of the tuo regimentis to Ireland."

5th February 1642. Articles anent the levy of 500 men.

159. Copy of the Articles for the levy of five hundred men by the Laird of Lawers, approved by the Council on 7th February, 1642, and printed *ante*, p. 197. [At the foot] "*Apud* Edinburgh, 7 February, 1642. Produced, red and allowed. LOUDOUN, Can^llrius, I.P.D."

7th February 1642. Act for providing ships and provisions for the Irish expedition.

160. Copy of the act of Council for providing ships and provisions for the Irish expedition, printed *ante*, p. 196. Also the following:—"*Apud* Edinburgh, 7 February, 1642. The Lords of Secreit Counsell, for the better accelerating of the present supplie going to Ireland, gives and grants commission be thir presents to Schaw of Grenock, George Porterfeild, burges of Glasgow, and Johne Sempill, burges of Dumbartane, to agree with all shippes and closse barkes on the river of Clyde. As alsua the Lords gives the like commission to Alexander, Earle of Eglintone, within the bounds following—frome the Clochestone to Air; with power to the saids commissioners for this effect, if neid beis, to arrest the saids shippes and barkes and to doe everie other thing for assuring the same toward the readie and tymous transport of the said supplee. And thairwithall comandis all his Majesteis leiges, judges, officers and magistrats to burgh and land to concurre and assist the said commissioners as they sall be requyred for that effect. LOUDOUN, Ca^llrius, I.P.D."

7th February 1642. Act for providing biscuits for the Irish expedition.

161. Copy of the act of Council for the provision of biscuits for the Irish expedition, printed *ante*, p. 196. (Signed) LOUDOUN, Can^llrius, I.P.D.

8th February 1642. Appearance of Islanders before the Council.

162. Copy of the act of Council respecting the annual appearance of the Islanders before the Council, printed *ante*, p. . Service is to be made at the houses of James Logie and John Nicol, writer, their agents in Edinburgh.

10th and 15th February 1642. Protections to the Lairds of Buchanan and West Nisbet continued.

163. "Edinburgh, 10 Februar, 1642. The Lords of Secreit Counsell, in respect the summonds raised aganis the Lairdis of Buchannan and West Nisbet and Adam Abercrombie of Auldrayne are continowed till Tuesday nixt, prorogats thair protections till Wednesday nixt at night. LOUDOUN, Can^llrius, I.P.D.

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"Edinburgh, 15 Februar, 1642. The Lords of Privie Counsell, in respect the process depending before thame at the instance of Mr William Cunninghame aganis the Laird of Buchannan, and at the instance of John Leith of Harthill aganis Adam Abercrombie are continowed till Thursday nixt, prorogats thair protection till Saterday nixt at night. LOUDOUN, Can^ll^rius, I.P.D." The same protections further prolonged.

164. Drafts of the two acts of Council relating to fugitive soldiers, printed *ante*, p. 200; also of the like act of Council passed on 24th February, printed *ante*, p. 206. (Signed) A. M. ARGYLL, I.P.D.; and of the act for the observance of Lent passed on 3rd March, printed *ante*, p. 213. 10th and 24th February and 3rd March 1642. Fugitive soldiers and Lent.

165. Supplication by Alexander Campbell, son of Patrick Campbell at the Mill of Achray, as follows:—He has been charged to compear before Mr John Rollock, sheriff depute of Stirline, on 17th instant to answer at the instance of Mr James Drummond, son of the deceased David Drummond of Innermay, for the alleged stealing of the said Mr James's purse with £100 therein. Now the said sheriff depute is related to the prosecutor in the "secund or thrids of kin with him, and the power of thir twa is so great in these parts as no advocat nor procurator will compeir for me, nather can the shireff deput without speciall commissioun sitt upon a mater of this kynde tuicheing me in my lyfe and goods. Alwayes my innocencie is so cleere as I sall never refuse anie faire tryell." He is therefore willing to find caution in the books of Adjournall to appear before his Majesty's Justice and his deputes on lawful citation, and craves the advocation of his case. [On the back] "*Apud* Edinburgh, 10 February, 1642. *Fiat summonitio ut petitur* to the 22 day of February, and to discharge *ut infra* to the last day of the same moneth, caution being found to the effect within writtin, conforme to the acts of Parliament. LOUDOUN, Can^ll^rius, I.P.D." J. Bannatyne certifies that Harie Campbell at the Mill of Achray has become cautioner. 10th February 1642. Supplication by Alexander Campbell, son of Patrick Campbell at the Mill of Achray, who is charged with stealing a purse of £100, for a just trial.

166. Supplication by James Smith at Blackfuird, Janet Stirline, his spouse, and James Imrie, wright in Blakhauche, as follows:—On 15th October, 1638, John Andersone in Kenzeache came by way of hame-sucken to the said James Smith's dwelling house and with a drawn whinger pursued him for his life; also with his hands and feet "barbarouslie strake my wife, being great with childe, quhairthrow she lay a long time in danger of her life." As the supplicant could not obtain a hearing of his complaint owing to the not sitting of the Council, the said John made bold to continue his oppressions, and on 17th January last he and William Andersone, his brother, came in manner foresaid to James Smith's dwelling house "with twa lang stings and twa Hieland durkes, resolved to have killed me, and not finding me thair they lay at await for me in the way as I was going to the Mill of Ogilvie and, er 11th February 1642. Supplication by James Smith at Blackford, Janet Stirling, his spouse, and James Irving, wright in Blackhaugh, for summons against John Anderson in Kenzeache and others for hamesucken.

ever I wes awar, fiercelie sett upon me so as I wes forced for my safetie to flee to the dwelling hous of David [*sic*] Imrie, wright in Blakhauche, and becaus the poore man barred the doore to hold out thir persons they forciblie brake up the doore and wounded the said wright in diverse parts of his bodie, speciallie upon his armes, to the undoing of him in his trade. And upon the day of January last, being the Lord's day, they came to the kirk of Blackfuird, thinking to find me thair, boddin with swords, long stings and others weapons, quhairof being disappointed they still daylie ly at await for me." They crave summons against these persons. [On the back] "*Apud* Edinburgh, 11° February, 1642. *Fiat ut petitur.*"

11th February 1642. Supplication by Nicolas Gas in Buttirdaills and others for summons against Fergus Græme of Blaatwood and others for assault and interference with the complainer's lands.

167. Supplication by Nicolas Gas in Buttirdaills, James Weill, James and Robert Teinding and John Bell there, Nicoll Bell in Dornock, Edward and John Irwing, Andrew Porter, John Porter, his son there, Thomas Gas, John Turner and , widow there, tenants to Archibald Dowglas of Dornock, and the said Archibald Dowglas for his interest, as follows:—The said Archibald is lawfully infeft in the lands of Dornock with the mosses, muirs and fishings thereof, and he and his predecessors have been in peaceable possession thereof past memory of man, until lately that on last Fergus Grahame of Blaatwod, Arthur Grahame, his brother, John Græme, his natural son, George Johnestoun and George Burrell, his servants, Andrew and John Rewmes, Cuthbert Miller, John Weill, Dick Irwing, and John Halyday in Tordaff, came to the said lands, cruelly pursued the said tenants for their lives, and hurt and wounded the said Nicoll Gas and John Weill with staves and trees upon the head, face and other parts of their bodies to the effusion of their blood, so that they could not travel for half a year thereafter, "and then they cutted fyve hundreth loads of peitts, quhilks we had wonne for our winter provision, to our great prejudice, cutts our netts and threatens us with all violence if we presume to fish on the Water of Esk. They crave summons against these persons. [On the back] "*Apud* Edinburgh, 11° February, 1642. *Fiat ut petitur.*"

12th February 1642. Supplication by John Napier of Kilmaheu, sheriff of Dumbarton, anent the payment of his taxation.

168. Supplication by John Nepar of Kilmahew, sheriff of Dumbarten, as follows:—He has been charged to pay to the collector-general of the taxation granted to his Majesty in June, 1633, the whole arrears of the fourth, fifth and sixth terms of the ordinary taxation of the sheriffdom of Dumbarten, but the feuars and heritors will not relieve him thereof by payment of 30s. termly for each pound land of old extent held by them unless they are compelled. He craves that they may be charged to do so within twenty days. [On the back] "*Apud* Edinburgh, 12 Februar, 1642. *Fiat ut petitur.*"

14th February 1642. Similar supplication by

169. Supplication by Bryce Sempill of Cathcart, sheriff of Renfrew as follows:—He has been charged to pay to the collector-general of the taxation granted to his Majesty in June, 1633, the arrears of the whole

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six terms thereof due by the sheriffdom of Renfrew, and of this the heritors and feuars should relieve him by payment of 30s. termly for each pound land possessed by them. Yet they refuse to do so unless compelled. He craves letters against them for payment to him and his deputes and officers within twenty days. [On the back] "*Apud* Edinburgh, 14 Februar, 1642. *Fiat ut petitur.*" Bryce Sempill of Cathcart.

170. Supplication by William Lees, elder, in Hoppringill, Lees, his son, and Lees, his servant, as follows:—John Tod in Clints, John Tod, his son, and John Tod, his brother, have conceived a deadly hatred against them and resolved to wreck and undo them. For this effect the said John came upon , 1640, "to my awne bounds, and with ane great rung gave the said James Lees, my servant, manie bauche, blae and bloodie strakes. And upon the day of thereafter, the saids persons came to my bounds and hounded in his awne goods and the nighbours goods amongs my cornes and consumed and destroyed ten bolls aitts. And upon the day of August thereafter, the saids three persons came to the ground of my saids lands, hurt and wounded my sone with a great rung upon the head, to the effusion of my [*sic*] blood, tooke a staffe frome me and killed my dog. And upon the day of thereafter, they came to my saids lands where my sone wes attending my goods and hounded in great dogges amongs thame and wirried ten of my sheepe; and daylie they oppressed and dwang me and my tennents by eating our cornes, hounding our sheepe and other the like oppressions." They crave summons against them. [On the back] "*Apud* Edinburgh, 14 February, 1642. *Fiat ut petitur.*" 14th February 1642. Supplication by William Lees, elder in Hoppringle, his son, and his servant for summons against John Tod in Clints and others for assault and injury done to property.

171. Supplication by Andrew Johnestoun of Lokerbie, as follows:—John Carruthers of Howmaynes and James Carruthers, his son, granted a bond to George Johnestoun, called of Milnehous, for 200 merks, with interest and expenses, and this bond was assigned to the supplicant who caused intimation thereof to be made to them. They then sent for him to come to their house of Over Dormand and to bring the bond with him, promising to satisfy the same, but when on February, 1639, he did so and showed them the bond and assignation, they and Margaret Lokhart, spouse to the said John, destroyed the documents. He craves summons against these persons. [On the back] "*Apud* Edinburgh, 15 February, 1642. *Fiat ut petitur.*" 15th February 1642. Supplication by Andrew Johnston of Lockerbie for summons against John Carruthers of Howmaynes and others for destruction of deeds.

172. Supplication by Colonel John Lyell, and Alexander Pigget, notary in Tannadeis, as follows:—Alexander Dempster, tenant to Alexander Ogilvie of Sheilhill, disponed to the supplicant his crops and goods and gear for certain sums of money, and on he caused the said notary intimate this fact to the said Alexander Ogilvie. But Ogilvie not only upbraided and abused the notary with "contumelious speeches," but also took the assignation from him and rave the same in pieces. They crave 15th February 1642. Supplication by Colonel John Lyell and Alexander Pigott, notary in Tannadyce, for summons against Alexander Ogilvie of Sheilhill.

summons against Ogilvie. [On the back] "*Apud* Edinburgh, 15 February, 1642. *Fiat ut petitur.*" Miscellaneous Papers.

15th February 1642. Supplication by Helen Moses in Kirktoun of Erroll, who is accused of child-murder, that she may be either liberated from ward or brought to trial.

173. Supplication by Helen Moses in Kirktoun of Erroll, as follows: —About a year ago, upon information given by , their minister, that she and her mother had murdered a child, they were apprehended and imprisoned in , where her mother died of heartbreak, and then the supplicant and her young child were transported to the tolbooth of Perth, where she still is in great misery, being allowed only 3s. Scots daily, and where her infant died of famine. There is no appearance of any trial, though in the consciousness of her own innocency she has often urged it, but she can obtain no reply. If her imprisonment continue longer she too will die. She therefore craves that the said minister, the sheriff of Perth and his deputes, and the provost and bailies of Perth may be cited and ordained either to put her to a speedy trial or to liberate her. [On the back] "*Apud* Edinburgh, 15 February, 1642. *Fiat ut petitur.*"

15th February 1642. Supplication by Francis Forbes of Thornhill for summons against Walter Kinnaird of Cowbin and others for assault.

174. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Francis Forbes of Thornhill, bailie of Forres, as follows: —The bearing and wearing of hagbuts and pistols is straitly prohibited, yet Walter Kynnaird of Cowbin, having procured a decreet before the sheriff of Murray against the supplicant, Francis Forbes, who obtained the same to be suspended by the Lords of Session and by virtue thereof on 31st January last stopped his process of poinding, at which the said Walter grudging, resolved to have his life. Accordingly he convocated the persons following:—Walter Kynnaird of Rait, James Kynnaird, his son, William Kynnaird, provost of Forres, Alexander Dumbar, apparent of Brako, William Dumbar, his brother, Alexander Winchester, son of John Winchester there, John Forbes and Barrell Innes, servitors to the said Walter, and a great many others, armed with guns, pistols and other invasive weapons, who, assembling on the following day in the said provost's house, awaited their opportunity, and upon seeing the said Francis, rushed forth with "bended gwnnes and pistols and drawin swords wherewith they fiercelie persewed me of my life, gave me manie straikes therewith as I wes going for my hors to Edinburgh, and had not failled to have killed me wer not the providence of God and my awin better defence" [there is a marginal note, but it is somewhat illegible. The following paper, however, embraces what is set forth here]. The supplicants crave that these persons be summoned. (Signed) Sr THOMAS HOPE. [On the back] "*Apud* Edinburgh, 15 February, 1642. *Fiat ut petitur.*"

Undated, but 15th February 1642. Anent the same supplication.

175. Another paper on the same matter, which, after naming the persons above mentioned, proceeds—"Quhilkis persons having secreitlie consulted and advysed withe Alexander Dunbar of Westfeild, shireff of Murray, Alexander Dunbar of Braco, William Dunbar, his brother, and

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Thomas Dunbar, sone to umquhill Johne Dunbar of Mercasus, servitouris to the said shireff, they all mischevously plotted and devysed the away taking of the said baillie . . . by hounding out of the said Allexander Dunbar of Braco as the fittest instrument to execute their malicious designe, who haith by the space off yeiris lyen at his Majesteis horne for criminall causes; and the said Allexander, having undertaken to put the intendit plott in executione upone . . . of February, being ane publict marcat day, and the haill foirnamed persones, contryvers of the said plott, lurking secreitlie within the hous [of the] said provest untill they sould perceave the said Francis, and how soone they saw him the said Allexander, being houndit out, as said is, suddenlie and . . . fiercelie persued him with suord and pistoll, the saids persones looking on from out the windowes of the said provest his hous, and . . . the said Francis in a defensive way to make resistance, the haill forenamed persones suddenly issued out of the said hous with bendit [gwnnes and] pistolls and suords drawine, and barbarouslie persewit the said Frances to the great hasard and perrill of his lyff; and if by the meere pro[vidence of God] and assistance of honest nightboures and countriemen convenit at the marcat, they haid not failled to have killed him. Thereafter, seing [thameselves] disapoynted of ther pernicious designe, they all re-entred the hous of the said provest and after new resolutioune came furth with their . . . and drawine suordis, accompanied with the said shireff, wha sould have bene cairfull of the publict peace as beiring office under his Majestie as shireff of the shire, and searched for the said Francis thorow diverse houses of the said brughe to have killed him, and, being fullie assured that the said Francis wes gone off the towne for saiffetie of his lyff, they called for ther horses to have followed, and being madlie exasperated, perceaving Mr William Dunbar, brother german to Mr Allexander Dunbar of Windihillis, and having no pretext or ground of quarrell against him but onlie in respect he had fallen accidentallie in the companie of the said Frances and haid made some defence aganes their furie in his behalff, they suddenlie converted all their furie againes the said Mr William, and if he haid not speedilie taken the hous of Mr William Dunbar, burges of the said brughe, they haid not failled to have killed him. And not content therwith, their insolence still increasing, assaulted the said hous untill the said Mr Allexander Dunbar, his brother, with certane of the inhabitants and people of the mercat were forced to oppose their furie and to defend the said hous. Wherfoir the baillies, counsellours and burgesses of the said brughe, laying to heart the indignitie and manifest wrong done to ane of ther baillies, and being sensible of the great prejudice done to the toun and inhabitants by troubling and overthrowing of ther mercat, requyred by ther procurator fischall the said provest to apprehend the disturbers of ther mercat and make them ansuerable to law, which he not only refused to do but receaved and maintained them within his hous and convoyed

them peaceablie off the toune, as instruments taken therupone beris: as also perceawing the said Francis to repair to the toune of Edinburgh to raise letters before the Secreit Counsell, intending to cause chairge them for ther wrong and oppressioun, the said Walter Kynnard and the said shireff not only hounds out the said Allexander Dunbar of Braco and uthers lawles rebells to ly in wait for the said Frances and his friendis, but openlie threatnes and menaces them to tak ther lyves, so that they ar forced to remove from ther houses and duellings within the said brughe and to take them to live privatlie amongs ther friendis for saiffetie off their lyves." Miscellaneous Papers.

17th February 1642. Counter-supplication by Walter Kinnaird of Cowbin for a summons against Francis Forbes of Thornhill and others for assault.

176. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Walter Kynnaird of Cowbin, as follows:—The bearing of hagbuts and pistols and convocation of the lieges in arms is strictly prohibited by law, yet, on 1st February instant, Francis Forbes of Thornhill, Patrick Campbell of Both, Mr William Dunbar, son of the Chantor of Murray, Mr William Dunbar, burgess of Forres, Thomas Warrane, bailie there, John Larg. also bailie there, Robert Dumbar of Easterbin, John Dolles, his servant, John Dumbar, sheriff clerk of Forres, Adam Dumbar, his son, William Alves in Forres, James Imbrie there, John Finlay and John Campbell in Burgie, Mr Alexander Dumbar of Windihill, Alexander Cumming, litster in Alderne, James Dumbar of Bogs, Robert Dumbar, apparent of Bogs, Alexander Dumbar, servitor to the Laird of Alter, Hucheoun Fraser in Drumlochen, James Fraser, his brother, James Dumbar of Dumphaill, Niniane Dumbar of Grangehill, James Dumbar, his servant, Alexander Montgomerie, burges of Forres, Alexander Dumbar, skinner there, and Oliver Blacke, servitor to the said Francis Forbes, with convocation of the lieges, men and women, to the number of persons, armed with swords, Dense axes, hagbuts, pistols and other weapons invasive, came to the said Walter Kinnaird's uncle's house in Forres, where he was doing his lawful business, "and preast to have brokin up the doores thairof to have tane my life, crying aff the calsey forenent the loodging, 'Come out, skittering hoched bodeis, whoormoongers, incestuous persons and vile harlotts, and try yourselves if you darre for your lives'; and had not failed to have entered and killed me and my companie wer not they wer stayed by the countrie people conveenned to the mercat." He craves summons against these persons. (Signed) Sr THOMAS HOPE. [On the back] "*Apud* Edinburgh, 17 January, 1642. *Fiat ut petitur.*"

17th February 1642. Supplication by Alexander Robertson in Clecochie for summons against Alaster M'Ivor

177. Supplication by Alexander Robertsone in Clecochie and Alexander Innes of Bellornie, his master, for his interest, as follows:—On September last, Alaster McInchevore and certain other broken men of the Clan Gregour, at the instigation of Alexander Cumming of Lynmore, "came neir to myne the said Alexander Robertsons dwelling hous, drew me furth, tirred me naiked, cruellie and shamefullie demaynned

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my bodie with scourges and with trees so as I wes not able to stirre." They crave summons against these persons. [On the back] "*Apud* Edinburgh, 17 February, 1642. *Fiat ut petitur.*" and others for assault.

178. Supplication by Thomas Broun in Eyemouth, as follows:—On February instant, "I being doing my lawfull affaires in John Curreis hous in Eymouth, looking for harme of no man, William Broun, elder of Brounsbanke, and William Broun, his sone, came furiouslie upon us [*sic*] er ever we wes awar, and with a drawin rapper strake out diverse straikes at us and pursued us of our lyffes and wounded us therewith in sindrie parts, speciallie strake me the said Thomas a dangerous strake throw the hand to the great effusion of my blood, and wer not my awne better defence and helpe of some gentlemen he had killed me outright." He craves summons against these persons. [On the back] "*Apud* Edinburgh, 18 February, 1642. *Fiat ut petitur.*" 18th February 1642. Supplication by Thomas Brown in Eyemouth for summons against William Brown, elder of Brownsbank, and William Brown, his son, for assault.

179. Supplication by Thomas Shives, indweller in the Cannogait, Elizabeth Burns, his spouse, and John Oliver, younger, messenger, as follows:—The said Thomas and his spouse had caused charge Mr James Whyt, brother to the good man of the Tolbuith, to pay a sum of £30 with interest and expenses contained in his bond, but, he having vilified the charge and suffered the days to pass, they caused the said John Oliver to intimate the same to him and thereafter to denounce. Mr James thereupon requested the messenger to go in with him to Jean Young's house, widow in Edinburgh, and there craved a sight of the letters, which, when he received them into his hands, he rave all in pieces and declared he would avow the ryving thereof before the Lords of Session or any other judge. For this proud contempt, so near to their Lordships' judicatory, they crave that he might be summoned to answer before the Lords. [On the back] "*Apud* Edinburgh, 18 February, 1642. *Fiat ut petitur.*" 18th February 1642. Supplication by Thomas Shives, indweller in the Canongate, and Elizabeth Burns, his spouse, for summons against Mr. James White.

180. Supplication by Arthur Forbes of Haltoun, as follows:—In , 1640, a number of the Clan Gregour and other broken men having herried some of his tenants, he and some of the country people pursued them and engaged with them in conflict, who "shott desperatelie at us to our great hazard," and captured John Drummond, *alias* McWalter, John Gordoun, and Gillespie, and carried them to the tolbooth of Elgin, expecting justice to be administered; nevertheless, "the officers of Elgine, being brybed be thir villans, suffered thame to escape and goe, since quhilk time they and thair complices doe threatten me and my people with fire and sword." They crave summons against the provost and bailies of Elgin and their officers. [On the back] "*Apud* Edinburgh, 19 February, 1642. *Fiat ut petitur.*" 19th February 1642. Supplication by Arthur Forbes of Haltoun for summons against the magistrates of Elgin for suffering certain of the Clan Gregor to escape from their tolbooth

181. Supplication by William Irwing of Bonshaw, John Armestrang in Sarksheillis, and Irwing, his spouse, apparent heir to the 21st February 1642. Supplication by William

Irving of Bonshaw and others that James Maxwell of Springkell and others be compelled to find caution for the supplicants' indemnity.

deceased Christopher Irwing of Sarksheills, as follows:—The said William being heritably infeft in the forty shilling land of Sarksheills held in feu of the King conform to his infeftment, dated 9th March, 1610, has been in peaceable possession thereof till now that James Maxwell of Springkell, John and George Grahames, his servants, William Beatie in Sark, Christopher Beatie, his brother, Johne Beatie, and William and David Smiths in Kirkconnell, "doe threatten and minasse us with all hostilitie if we sall anie longer possesse these lands." They therefore crave that, upon their oaths being taken that they dread bodily harm, the saids persons complained against may be compelled to find caution for their indemnity. [On the back] "*Apud* Edinburgh, 21 February, 1642. *Fiat ut petitur* under the panes following; the said James Maxwell under the pane of ij^{m} merks and everie ane of the other persons under the pane of iiij^{c} merks."

22nd February 1642. Supplication by Mr. David Williamson, minister at Kilspindie, and in name of his kirk-session for summons against William Bruce of Fingask.

182. Supplication by Mr David Williamson, minister at Kilspindie, for himself and in name of his kirk-session, as follows:—They agreed with William and Wallaces, wrights, for the building of a loft in the church, and advanced half payment to them, but after the commencement of the work William Bruce of Fingask took one of the wrights to his house and threatened that "if he sould lift axe or eache in the kirk thairafter the devill cutt his neck if he sould not cutt thair neck," so the work is stopped and their money lost "and none darre enter to that worke for fear of the said William his bangsterie." The said William was convened before the Presbytery of Perth for abusing and profaning the sabbath, "and understanding that William McBeth, my servant, wes to be a witnes aganis him, he upon the day of , 1640, ranne fiercelie upon the poore man er he wes awar and gave him a cruell stroke with his foot on the wombe quherwith he dang him to the ground so as he lay dead a long time, the said William crying—"Goe home and bid your master claw aff that agane." He craves summons against the said William Bruce of Fingask. [On the back] "*Apud* Edinburgh, 22 February, 1642. *Fiat ut petitur*."

23rd February 1642. Supplication by Jean Campbell, goodwife of Burgie, that Alexander Dunbar of Westfield, sheriff of Moray, and others may be compelled to find caution for her indemnity.

183. Supplication by Jean Cambell, goodwife of Burgie, as follows:—Alexander Dunbar of Wastfield, sheriff of Moray, Patrick Dumbar of Kilboyack, his brother, Alexander and Robert Dunbars, his brothers, Thomas Tulloch of Tannachies, Alexander Dumbar, apparent of Brako, William Dumbar, Mr Alexander Dumbar of Windihills, Mr William Dumbar, his brother, Robert Dumbar, sheriff depute of Forres, John Dumbar, burgess of Forres, Adam Dumbar, his son, Alexander Dumbar of Inchebrakie, James and Patrick Dumbars, his brothers german, and George Dumbar of Asleisk "having conceaved a deadlie haitrent and [mal]ice aganis me with a purpose and resolution to wracke and undoe me and my tennents of my conjunct-fee lands," they threaten to lay waste her lands; therefore she craves that upon her oath that she

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dreads bodily harm they may be ordained to find caution for her indemnity. [On the back] "*Apud* Edinburgh, 23 February, 1642. *Fiat ut petitur*, under the panes following, viz., the said shireff of Murrey under the pane of j^{m} lib.; the saids Patrik Dumbar of Kilboyack, Thomas Tulloch of Tannacheis, Alexander Dumbar appearand of Brako, Mr Alexander Dumbar of Windihills, Alexander Dumbar of Inchbrakie, and George Dumbar of Asleisk, everie ane of thame under the pane of j^{m} merks, and everie ane of the remanent persons under the pane of v^{c} lib."

184. Draft of the act of Council for the coining of copper into two-penny pieces, printed *ante*, p. 205. (Signed) A. M. ARGYLL, Mar, Morton, Glencairne, Southesk, Findlater, Callander, Balcarres, M. A Gibsone, Durie; Hamiltoun, Patrik Hepburne of Wauchtune, A. Dowglas, J. Græme of Morphie.

24th February 1642. Coining of copper pieces.

185. Supplication by William Forbes in , as follows:—On last he was travelling accidentally with Robert Gordoun, brother natural to the late Laird of Rothemay, in the fields within the bounds of the Laird of Fendracht, "and having removed frome him be the space of a quarter of a myle or thereby I heard a shott and turned back, reproving the said Robert for the same, wherewith by my knowledge he did kill one of Fendrachts tennents; and being going on with him we wer both apprehended. And becaus it wes notourlie knowne that I wes innocent of the slaughter I wes dismissed but behoved to sett caution to appeare before the shireff of Aberdene to underly the law for the same when I sould be charged. My innocencie is so cleare in this mater as I need not to feare ane lawfull tryell; but in regard there is deadlie feed and ill will unreconciled betuix my fathers hous and the Laird of Drum, shireff of Aberdene, your Lordships will think it more fitting that my tryell may be before his Majesteis Justice." He craves that order may be given accordingly. [On the back] "*Apud* Edinburgh, 24 February, 1642. *Fiat summonitio ut petitur* to the sixt day of Junij nixt and to discharge *ut infra* to the tent day of the same, caution being found to the effect within writtin. (Signed) A. M. ARGYLL, I.P.D." At the foot is a note signed J. Bannatyne, that caution has been found.

24th February 1642. Supplication by William Forbes, who is charged with shooting one of the Laird of Frendraught's tenants, that he may be tried before the Justice.

186. Supplication by Jean Hart, lawful daughter of Mr John Hart, doctor of physic, as follows:—On 20th June, 1640, Harie Cuninghame, portioner of Restalrig, was put to the horn for not paying £100 with interest and expenses due to Thomas Gray, merchant burgess of Edinburgh, with a further sum of 100 merks and interest and expenses thereof, or in all £250. This debt Gray assigned to the supplicant by deed recorded in the books of Council and Session on 21st July last. But he contemns the horning, keeps his house as a house of war, and when officers and messengers approach to apprehend him he casts down great stones upon them. She craves that he may be cited and letters

24th February 1642. Supplication by Jean Hart, daughter of Mr. John Hart, doctor of physic, for letters of treason against Harry Cunningham, portioner of Restalrig.

of treason granted against him. [On the back] "*Apud* Edinburgh, 24 February, 1642. *Fiat ut petitur.* LOUDOUN, Can^ll^rius." Miscellaneous Papers.

25th February 1642. Supplication by William Rodger in Walls, in the parish of Moffat, for summons against Francis Scot of Cartertoun and others, whom he charges with hamesucken

187. Supplication by Sir Thomas Hope of Craighall, knight, Lord Advocate, for his Majesty's interest, and by William Rodger in Walls, in the parish of Moffat, as follows:—Although the bearing and wearing of hagbuts and pistolets is strictly forbidden by the laws of this kingdom, yet on January last Francis Scot of Cartertoun, Mr John Learmonth, minister at Moffat, James Wauch, notary, Johne Armestrang, Ferdinand Home, and William Johnestoun, domestic servants to the Lord Johnestoun, "boddin with swords, pistolls and others weapons invasive, came be way of hamsuckin to myne the said Rodgers dwelling hous and with minassings threatned me to rander my possession, and, when as with reason I refused, they vowed to putt me in a better hous nor ever my father bigged, and with all commanded to lay hands on me, so as I wes forced to flee for saifetie, quherupon they unmercifullie pulled my young barnes out of thair beds and kuist thame in the snow so as they almost perished for cold and as yitt ar not recovered, therafter loused my nolt, putt thame furth to the feilds, putt out my fire, thrust out my haill familie and plenishing, and closed up my doores, without anie lawfull warrant." They crave summons against these persons. (Signed) Sir Thomas Hop. [On the back] "*Apud* Edinburgh, 25 February, 1642. *Fiat ut petitur.*"

25th February 1642. Supplication by Andrew Gray and John Martin in Queensferry for summons against Arnot of Fairnie for assault.

188. Supplication by Andrew Gray and John Mertine in Queensferry, as follows:—On the 18th instant Arnot of Fairnie came accompanied with three or four persons to Queensferry to buy a horse from the said Andrew, and because the said Laird of Fairnie was not pleased with the terms, "he verie disgracefullie upbraided me, calling me knave and lowne, and, becaus my sone in law modestlie excepted aganis these speeches, he drew his sword and therewith almost mutilat him in the hand and thereafter gave him a deepe stog stroke on the thigh; and when I preast to separat thame the said Laird of Fairnies soue gave me a deep wound on the shoulder with a braid sword and strake me to the ground." They crave summons against the said Laird of Fairnie and the others. [On the back] "*Apud* Edinburgh, 25 February, 1642. *Fiat ut petitur.*"

26th February 1642. Letters of treason against Gilbert Lawder of Whitslaid and William Lawder, his brother.

189. Summons addressed to Edmond Reidpeth, messenger, at the instance of John Peter, advocate, commissary of Peebles, against Gilbert Lawder of Quhitslaid and William Lawder, his brother, to compear before the Lords on 29th November next at Edinburgh to see and hear letters of treason issued against them for the rendering of their houses and entering themselves in ward within the castle of Blackness. They were put to the horn on 20th December, 1639, for non-payment of a debt of 1000 merks and interest and expenses, but they contemn the

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same, keep their houses, uplift their rents "and frequents all companeis and societeis of men als peaceablie and avowedlie as if they wer our obedient subjects." Dated at Edinburgh, 26th February, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.

On the back is an execution thereof by the said messenger on 19th November, 1642, against the said Gilbert and William Lawder, both personally apprehended, Gilbert within his dwelling-house "at the eist toun end of Lawder," and William within his dwelling-house at Glaidswoode; witnesses, George Tait, hynd to James Wright of Glaidswoode, Robert Harlaw, cashier to the Earl of Lawderdaill, William Moffet, thatcher in Lawder, and William Broomerig, indweller in Rippeth. There is also a note that the said messenger denounced the said Gilbert and William Lauder at the market cross of Lauder, and Dunce and Greinla; witness at Greinla, James Lermond; at Dunce, John Craw, Archibald Litill and David Greiff; and at the cross of Lauder, Charles Krage and John Mowffett.

1st March 1642. Licence to Mr. John Paip, elder, writer, and to Mr. John Paip, younger, advocate, to eat flesh in Lent.

190. The Lordis of Secret Counsell gives and grants libertie and license to Mr Johne Paip, elder, wryter, and Mr Johne Paip, yonger, advocat, and either of thame tua and such as shall accompany thame at table to eate flesche during this forbiddin tyme of Lent frae the first of Marche till the first of May nixt, and upoun Vednesday, Fryday and Saturday for the space of ane yeere nixt efter the dait heirof, without paine or dainger to be incurred be them thairthrow in thair persone and goods, notwithstanding quhatsumever actes or proclamationes maid in the contrair, quhairanent and all paines thairin contenit the Lords dispenses be thir presents. Givin at Edinburgh, the first of Marche, 1642. (Signed) LOUDOUN, Can^ll^rius; ARGYLL; EGLINTOUN; SOUTHESK; S^R^ THOMAS HOPE; ROBERT INNES OF THAT ILK; J. CARMICHAELL."

3rd March 1642. Supplication by Margaret Grant, daughter of the deceased Archibald Grant of Edinvillie, for summons against Alexander Gordon of Cairnburrow and Helen Coutts, his spouse, for assault.

191. Supplication by Margaret Grant, lawful daughter of the deceased Archibald Grant of Edinvillie, as follows:—Alexander Gordoun of Carneborrow and Helen Coutts, his spouse, sent for her to come and attend them as a gentlewoman. Accordingly "upon the of October last, I having come to thair hous looking for courteous dealing frome thame, notwithstanding without anie offence done be me to thame, they patt violent hands in my person and gave me manie bauche and blae straikes in divers parts of my bodie and had almost killed me wer not the helpe of some of thair awne friends. And not content therewith they stripped me naked of my cloaths and putt me furth to the hazard of my life; and upon the morne thereafter the said Alexander came in upon me and so cruellie hurt and wounded me with his hands and feit as I wes not able to come out at doores for 16 weekes therafter." She craves summons against them. [On the back] "*Apud* Edinburgh, 3 *Martij*, 1641. *Fiat ut petitur.*"

5th March 1642. Supplication by James Maxwell of Springkell and others for suspension of horning. See *ante*, p. 541.

192. Supplication by James Maxwell of Springkell, John and George Grahames, his servants, William Beatie in Sark, Christopher Beatie, his brother, John Beatie and William and David Smiths in Kirkconnell, as follows:—They are charged at the instance of William Irwing of Bonshaw, John Armestrang in Sarksheills, and Irwing, his spouse, and apparent heir of the deceased Christopher Irwing of Sarksheills, to find caution for their indemnity under the following penalties, viz., the said James Maxwell in 2000 merks and the others in 500 merks each, within a certain short space after the charge; and they object that the pursuers cannot make faith that they dread bodily harm of the complainers, "since we never wronged thame, and this must preceed a charge of lawborrowes, and farther the panes under quhilks we ar charged ar exorbitant, contrare to the acts of Parliament by the which persons of myne the said James qualitie, who am but a fewer, is onelie obliged to find caution under the pane of iiij^{c} merks, and persons of our qualitie, the remanent compleanners, ar tyed onelie to find cautioun under the pane of fourtie punds. Alwayes for eshewing the danger of horning we ar content to find cautioun conforme to the charge." They therefore crave suspension of the horning. [On the back] "*Apud* Edinburgh, *quinto Martij*, 1642. *Fiat summonitio ut petitur* to the day of and to suspend and discharge *ut infra* to the day of the same moneth, becaus the compleanners hes found caution to the effect withinwrittin." Miscellaneous Papers.

13th April 1642.

193. "To the Richt Honorabill the Lordes of his Majesties Secreit Counsell the Humble Remonstrance of the Presbitrie of Dunoone, shewing,

Supplication by the Presbytery of Dunoon in favour of certain ministers who have been driven from Ireland by the rebellion.

"The lamentable and most deplorable estate of a great number of our brethren quha for the cause of Christ and profession of his gospell, by reason of that inhumane and cruell persecution of the antichristian and bloodthristie rebels of Irland, have beene forced for the saftie of there lives to flie and repair to some of the boundes within the said presbitrie, especiallie to the Ile of Buite; to the quhilk, albeit it be but a small boundes, there hes repaired and are still remaining to the number of fyve hundreth soules, as the particular rolls at the direction of the said presbitrie taken up be the ministers and ruling elders of the said Ile, to be presented to your Lordships heirwith, at more lenth proports. Amongst quhom there are three preachers of Gods Word, with there families, and others persons of good qualitie, quho, although they had good means in Irland, yit now are in equall condition with the poorest, having brocht nothing with them, either cloaths or moneys, that could helpe or sustein them bot a verie few dayes, bot hes lived for the most pairt thir fourtein or fyftein weeks upon the charitie of there freinds and other weill affected christians within the tua paroches of the said Ile of Boote; quhilk burden they are not able to underly any longer, except they wold put themselfis to the necessitie to be equall objects of pitie with

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the forsaid distressit people if they get not releif and supplie elsquhere. Thairfoir, seing by your Lordships pious and prudent carfulnes and providence there was ane act of Counsell appoynting ane general collection throuch the whole congregations of this kingdome to be imployed for releiffe of the necessitie and supporting the povertie of such of our brethren as are in that miserable condition, and that the distribution of the said collection is to be done by your Lordships speciall appoyntment and dispensation by these quha are authorized by your Lordship to intromet with the samen, our earnest desyre and humble supplication is that your Lordships wold take the lamentable estate of the forsaids persons to your godlie and charitable considerations and that your Lordships wold be pleased to bestow such a portion of the said contribution for there present supplie as out of the bowells of commiseration your pious disposition is accustomed to bestow in such a caice and necessitie upon so greit a number and considerable persones. For trewlie throw the knowledge and tryell we have of there miserie and distres we darr be bold to averr that there hes beene yit none of that contribution bestowed upon greater objects of pitie then these famishing and hungring soules. Bot for your Lordships more perfyte informatioun, we have directed one of our number, Mr Johne Campbell, one of the ministers of that Ile, quha is daylie ane eye witness of there distressed condition, to quhome we have committed to give to your Lordships a full and trew relation of the estate of the persones forsaid, and to quhome we trust that your Lordships will cause give such gracious ansuere as may be satisfactorie to our expectation, comfortable and full of refreshing to that poore people, and procure to your Lordships there heartie blessing and acceptation frome above. And your Lordships ansuere we humblie expect. (Signed) M. Patrik Steuart, moderator; M. J. Camerone, clerk."

[On the back] "13 Aprilis, 1642. The Lords of Privie Counsell for a present supplie of the distrest people withinwritten ordans and commands Johne Kennedie and Robert Gordoune, collectors in Air, to give furth ane thousand merks out of the reddiest of the contributions made there for releiffe off the distrest people that are fled out of Ireland, to be distributt be the sight of the presbiterie of Dunnon amongs the saids poore people within the tua parishes withinwritten, and recomends to the collectors in Air to take notice of the nomber of people fled out of Ireland and lying within the saids tua parishes, and to report. (Signed) LOUDOUN, Can^{ll}rius, I.P.D.

14th June 1642. Andrew Rendel and George Sinclair of Rapnes.

194. Extract of the Decreet by the Lords in the complaint by Andrew Rendal against George Sinclair of Rapnes, printed *ante*, p. 272. (Signed) ARCH. PRIMEROSE, Cler. S. Cons.

25th June 1642. Colonel Lord

195. Original of royal letter dated at York, 25th June, 1642, in favour of Col. Lord James Douglas for raising five hundred men, printed

James Douglas to raise 500 men.

ante, p. 303. [At the foot] "Edinburgh 21 Julij, 1642. Presented, red, ordand to be registrat, and a commission past accordinglie. LOUDOUN, Can^ll^rius, I.P.D." Miscellaneous Papers.

6th July 1642. Summons against William Coutts of Achterfoull.

196. Summons at the instance of [Isobel Forbes] Lady Williamstoun, and Thomas Areskine of Pittodrie, her husband, against William Coutts of Achterfoull, in the complaint narrated (*ante*, p. 356); dated 6th July, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.

24th July 1642. Letter from his Majesty anent Captain William Cobb, whose ship was seized by pirates in the Island of Lewis; himself and his crew being detained prisoners for four months.

197. "Charles, be the grace of God, King of Great Britane, France and Ireland, defender of the faith: The bearer heirof, Captane Williame Cobb, oure trustie and weilbeloved subject, who hathe diverse tymes petitioned unto us declairing his wrong and abusses, both in body and guidis, quhich he sufferet in his last fishing voyage unto the Lewis in Scotland, quho being there about his fishing imploymentis, the good of the common wealth, the furthering of that royall sosiatioune of fishing, increas of marioners for oure usses against any invasioune, as lykewayis setting of many puire people awork, on the sevinteine day of October last bypast ryding at anchor in the Ileland of the Lewis, there come abuird of the said Captain Cobb one Olipher Mowat and diverse others of his companie comed and seased on his schip and guidis therein and made pryce thereof and detained the said Captaine Cobb and his companie there as prisouners for the space of four monethes and upwaird, contrair to ane act made in Parliament the 29 of June in the yeir of our soverane lord, King James, in quhich act it is there declaired that all our seas ovir the cost of Great Britane are frie to all our subjects to fishe in without cowetridict[ion] or by any. The said Captain Cobb, at his being at the Lewis, desyred the chalmberlane and uther officiers belonging to that place to apprehend the said piratts according to the lawes of the land, quhich the said officiers refuissed to doe. Lykewayis comeing to the Ile landis of Orknay, quher the said Captane meiting with his schip and goodis did there desyre the judge to apprehend the foirsaid piratts and ather to send them for Ingeland or Scotland according to the lawis of the land, quhich the Admirall deputtie and uthers of his counsell refuiset to doe, but lett the said pirots remaine in thair harbor for the space of 5 or sex weiks, and at last suffered them to pas quyetly, contrair to law or justice, to the great losse and hinderance of the said Captaine Cobb. Quhairfoir it is oure will and pleasour that the said Captaine Cobb sall not suffer the wrongous so unjust bot sall with all dilligence seik for the foirsaid pirotts in any pairt or harborie within the kingdome of Great Britane and cease on the said schip and guidis agane and to bring the said pirots for Ingland and thair to be tryed by the lawis of the land; and give incais the said pirotis be not to be fund, then to cease ovir any schip or vassell belong unto the Ilelandis of the Lewis or Orknay or ather going or comeing to any of the foirsaid places or any uther schip or bark traiding on going to the foirsaid places.

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Moreovir, it is our will and pleassour that all suche schipes as ar imployed on such ore the lyke service sall weir oure collouris appointed for oure royall navie untill the said Captane Cobb hathe made himselff satisfactioune to the walzow of fourtein hundreth pundis sterling. Quharfore we will and requyris all oure leiving subjects to the ayding and asisting unto the said Captane Cobb incais of necessity, as ye will ansuer it upon your perillis. Gevin under oure handis and seallis the 24th of July, 1642, and in the aughtein yeir of oure reigne."

"This is ane trew coppy of his Majesteis commissioune drawen out by me Johne Symondis, clerk and nottar publict; witnes, James Jones, gentillman, William Ropper, Henry Sait, Toby Almane, Robert Warrane, J. Richard, Johne Elles."

[On the back] "Coppy of ane letter of mark to Williame Cobb."

198. "My Lords of Counsell, unto your Lordships humblie meanes and schawis, we the Commissioners of Burrowis, presentlie convenit, for our selffis and in name and behalff of the haill remanent burrowis within this kingdome, that quhairas it pleissit the Lords of the lait Parliament to appoynt ane commissioune for manufactoures for introduceing of vertew within this kingdome and setting of idle people to work, and we of the saidis borrowis being most desyrous to sie that commissioune tak effect, we have appointit ane conventioun of the most expert amongest our number to be had at this burghe the first of September nixt, and thairfor we humblie beseik your Lordships that ye wald be pleassed to assigne unto us the said day for reporting our diligence heiranent, and in the meane tyme that nothing be done concerning the same, and your Lordships ansuer humblie we beseik." 26th July 1642. Address from the Commissioners of Burghs anent a proposed commission for manufactories.

199. Summons directed to Walter Smith, messenger, at the instance of Gilbert Barclay, George Sherar, John Rattray, Patrick Clark, John Chalmer, and Alexander Schand, tenants to James Gibson of Mulderies, advocate, against Sir Robert Innes of that Ilk and Captain William McIntosh, as follows:—They have been charged by their Lordships to make payment to one or other of the last named persons of the following sums within forty-eight hours, as fines for intercommuning with the Clan Gregor, viz.:—the said Gilbert £50; George Sherar 40 merks; Alexander Schand 20 merks, and each of the others 10 merks. They ought to have been charged upon twenty days so as to give time for suspension of the letters, but of this they are defrauded by such a "malapert abuse of the law." Besides they are most innocent of the charge, and "did never intercommoun with the said clan nor ever spake or dranke with thame but when by thair oppressions and power they wer forced thereto aganis thair hearts, as may be seene in thair depositiones, and they were never called to the setting doun of thir fynes." Now they are ready to find caution, and the defenders are hereby cited to appear before the Lords on 10th November next to see the letters 2nd August 1642. Summons at the instance of Gilbert Barclay and others against Sir Robert Innes of that Ilk and Captain William M'Intosh.

suspended. The summons is dated at Edinburgh, 2nd August, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is noted as follows:—10 November, 1642, suspenders be James Gibsone; charger be George Stuart: Continowes with consent till this day 15 dayes. *Primo Decembris*, 1642; suspenders be Mr Thomas Gilzean; charger be George Stewart: Continowes with consent till the first of Januar nixt. Miscellaneous Papers.

5th August 1642. Letter from the Commissioners in London anent the affairs of Ireland.

200. "Our verie honourable good Lords. Before your Lordships last letter of the 21 of July came to our hands wee had given in all our demands to those that treate with us, and immediatlie upon the receipt thairof did make knowne to thame your Lordships directions to us anent the close of this treatie and our returne, and have pressed with the best reasones wee could that the articles anent the deliverie up of the touns and the discharge of the armie might be condiscended unto us as they wer first drawne up by us and sent to your Lordships with Sir Archibald Johnston, and shall (God willing) returne and acquaint your Lordships with thair ansuer against the day appointed.

"As concerning the way for sending the moneyes to Irland for the armie, wee did expect some cleere instructions frome your Lordships theranent, and because we are now to receive fyftene thousand punds English for the use of that armie and do not as yitt knowe anie persone to whom wee shall send it ther, wee have not without difficultie perswaded the merchants to undertake to deliver it at Carrikfergus to the Lord Generall or his order or (because wee knew not whither he had appointed anie or not) to William Thomeson or his order (who hes promised either to be ther in person or to send Johne Campbell for that purpose), to whom also (upon the sight of ane warrant from the Commissioners of the Comoun Burdenes subscribed be thair clerke) wee have delivered the remainder of the tuentie thowsand pund to be caried home. This being all, we rest, your Lordships humble servants. (Signed) LOTHIAN, LINDESAY, BALMERINO, THOMAS MYRTONE OF CAMBO, J. SMITH, PATRIK BELL." "Loudoun, 5° Augusti, 1642."

[Addressed] "To the Right Honorable the Lord Chancellour and remanent Lords of his Majesties Privie Counsell."

10th August 1642. Lawburrows by Christopher Bannatyne in Overhall and others for the security of James Weir of Kirkfield and others.

201. "*Apud* Edinburgh, *decimo Augusti*, 1642. The whilk day sovertie and lawborrowis is fundin be Cristopher Bannatyne in Overhall, Robert Tailyefeir, Thomas Pret there, Williame Lowrie in Mylne of Corhous, Johne Pumphray in Barthill, Johne Pumphray his sone their, Mungo Pumphray their, Thomas Watsone their, Cristopher Bannatyne in Byres, Johne Schirielaw their, James Brakanrig in Overgreinheid, Cristopher in Greinheid, James Pumphray their, Johne Dick in Burn, James Hinshelwod their, Robert Tailyefeir, James Bannatyn, servitour to Johne Bannatyn of Corhous, James Shirrielaw in Overhill, and Johne Bannatyn in Sandhill, that James Weir of Kirkfeild, Johne

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Mure, his servitour, Johne Shirrielaw in Kirkfeild, James Rea their, Johne Stewart their, and Johne Mure in Intakheid, their wyffes, bairnes, men, tennents and servandis salbe harmles and skaithles, etc., ilk ane of the saidis persones under the pane of four hundreth merks monie. This I testifie to be of veritie be thir presentis subscryvitt with my hand. (Signed) Jo: SKENE."

15th August 1642. Letter from his Majesty desiring that £100 sterling be paid to Sir James Leslie.

202. CHARLES R.—It is our pleasure that you pay or cause be payed, immediatly after the sight heirof, to our servand, Sir James Lesly, one hundreth pounds sterling forth of the first and readiest of our rents and casualties whatsomever, notwithstanding of our late command to the contrary, and for so doeing these shalbe unto yow a sufficient warrant. Given at our Court at York, the fyftein day of August, 1642 yeiris." [There is added in the King's own hand as follows:—"Let this bee done. C. R."] [Addressed] "To our right trusty and right welbeloved cousins and counsellours, the Lords Commissionars for our Thesaurie of Scotland."

15th August 1642. Notarial instrument anent a dispute between John, Viscount of Dudhope, and the magistrates of Dundee.

203. "Apud Dundie, decimo quinto die mensis Augusti anno Domini millesimo sexcentesimo quadragesimo secundo et anno regni nostri S. D. N. Caroli Dei gratia Magnæ Brittaniæ, Franciæ et Hiberniæ Rex fideique defensoris decimo octavo.—Whilk day in presence of me, notar publict under subscryveand, and witnesses underwrettine compeired personallie James Wedderburne, Robert Davidsone, Thomas Mudy and Johne Blyth, baillies of the burgh of Dundie, accompanied with William Stewinsone, collectour of the craftis of the said brugh, and the haill deacones of the craftis thairof, all present at the Woilgaitt Poirt of the samen in most peciabill maner, as James Scrymgeour, baillie to ane nobill Vicount Johnne, Vicount of Duddop, accompanied with certane gentillmen upon horsbak and sindrie uthers on fute, eftir thair cuming from the publict mercat, ryding and visiting of the mercat and faire called the Marie day of Dundie upon the mwir benorth the law, called Dundies Law, the foirsaid day, they desyred in name of the said nobill Vicount that the foirsaid poirt micht be maid oppin and patent to them (the wickett quhairof wes presentlie standing oppine) to the effect they micht entir in thairat and have the keyis thairof with the keyis of the rest of the portis of the said brugh and the keyis of the tolbuith of the same, as the said Vicount himselff and his predicessoris wer in use in tymes of befoir, to the quhilk it wes ansuered be the saidis bailleis that the said brugh wes an frie royall brugh holdine of his Majestie, to quhom onlie they wold delyver the keyis thairof (and to nane utheris) whill it wer fund and declaired be proces by law depending betuix the said Vicount and them that the said Vicount had the undoubtit richt thairto, but prejudice alway to his Lordship or any in his name quhom he had appointit or wold appointe for uplifting and taking of the ordinar customes of the said mercat and fair, during the tyme of the holding

thairof. And thairfoir the saidis baillies for themselffis and in name and behalff of the haill communitie of the said brugh and thair successours protestit and be thir presenttis protestis and declaires that the said Vicount nor nane in his name aught to have libertie in tyme of publict mercat making to ryde throw the said brugh and mercat thairof now presentlie holdine thairin, except it wer fund and declaired be law that he had the onelie undoubtit richt thairto, but prejudice alway to him to the uptaking of his custome of the said fair and mercat conforme to use and wont and no utherwayes, whairupone and upone all and sindrie the premisses William Wricht, younger, present thesaurer of the said brugh of Dundie, in name and behalff of the saidis baillies, cownsell, communitie, collectour and deacones of craftis thairof and thair successours askit and requyred instrumentis in the handis of me, notar publict undersubscryveand. This wes done the day foirsaid att the said Woilgatt Port of the said brugh of Dundie betuix ellevine and twelff hours befoir noone or thairby befoir Robert Cheplane, notar, Robert Philp, hammerman, and Thomas Greine, customer, burgesses of Dundie, and David Lieis, Henrie Clerk, William Thomsone, and Robert Schiphird, officers of the said burgh, witnesses requyred to the premisses. Et ego vero David Yeaman, notarius publicus, clericus Sancti Andreæ diocesis, auctoritate regali ac per Dominos Consilii secundum tenorem acti Parliamenti admissus, quia premissis omnibus et singulis dum sic ut premittitur, agerentur, dicerentur et fierent unacum prenominatis testibus, presens personaliter interfui eaque omnia et singula suprascripta sic fieri, vidi, scivi et audivi ac in notam cepi, ideoque hoc presens publicum instrumentum manu aliena fideliter scriptum exinde confeci et in hanc publicam instrumenti formam redegi, signoque his meis nomine et cognomine solitis et consuetis signavi et subscripsi in fidem et testimonium omnium et singularum premissorum rogatus et requisitus. (Signed) D. Z. Notarius Publicus." [Docquet] "Instrument of Interruptione, Towne of Dondie *contra* The Vicount of Duddop, 15 Augusti, 1642." Miscellaneous Papers.

15th August 1642. Notarial instrument attesting that James Scrymgeour, bailie to John, Viscount of Dudhope, was illegally prevented from exercising the rights of the said Viscount in connection with the first fair of Dundee.

204. "In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Dominice millesimo sexcentesimo quadragesimo secundo, mensis vero Augusti die decimo quinto regnique S.D.N. Caroli Dei gratia Magnæ Brittanniæ Franciæ et Hiberniæ regis fideique defensoris anno decimo octavo.—The quhilk day in presence of me, notter publict, and witnesses underwrittin compeired James Scrymgeour, burges of Dundie, bailzie to ane nobill vicount, Johne, Vicount of Duddope, Lord Scrymgeour, etc., quha past to the personall presence of James Wedderburne, Robert Davidsone, Thomas Muidie and Johne Blythe, bailyies of the said burghe, and thair the said James schew and declairit to the saidis bailzies that upon Saturday last bypast, the threttein day of this instant, he in our soverane lordis name and authoritie and in name and behalf of the said

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nobill Vicount) causit lauchfullie proclame the first fair, callit the first Mairie fair of Dundie, to continow the space of aucht dayes nixt thairefter, conforme to the richtis and secuirities maid to the said nobill Vicount and his authors thairupon, and thairfoir the said James Scrymgeour, bailzie foirsaid, in name of the said nobill Vicount, desyrit the saidis four bailyies to delyver to him the keyes of the foir tolbuithe of the said burgh to be keipit be him for ministratting of justice to all pairties complenand during the said mercatt, and as the said nobill Vicount and his predicessouris and thair bailzies hes bein in continuall use and custome past memorie of man. Quhairunto the saidis bailyies ansuerit that they had not the keyes thairof to delyver, and imediatlie thairefter the said James Scrymgeour, bailyie foirsaid, went to the muir quhair the cattell mercat stoode and thair attending ane certane space for keiping of the said mercat in good ordour he thairefter came to the Walgait Poirt of the said burghe off purpois and intention according to old use and custome to haiff ridden throw the toune and thair to haiff attendit the governement of the said mercatt, notwithstanding quhairof the saidis James Wedderburne, Robert Davidsone, Thomas Muidie, and Johne Blythe steikit and closit the said poirt and (being assistit with syndrie inhabitantis of the said burghe) refuisit to suffer the said James Scrymgeour, bailyie foirsaid, to enter in thairat; in respect quhairof the said James Scrymgeour, in name foirsaid, protestit for remead of law, and thairupon took instrumentis in the handis of me, notter publict underwreittin. Thir thingis wer done within the said burgh and at the Walgait Poirt thairof, day, yeir and place foirsaids betuixt nyn and ellevin houres befoir none in presence of Johne Scrymgeour of Kirktone, Patrick and Andro Kynnairdis, maltmen, burgesses of Dundie, and William Robertsone, cordiner in the Hill, witnesses requyrit to the premisses. Ea omnia vera esse que suprascribuntur ego, Thomas Wichtane, notarius publicus, attestor, teste hoc meo signeto et syngrapho. T.W: N.P."

205. "Defensses for the provest and bailyies off Dundie and for Williame Steinsone against the complaint given in against thame be the Vicount and Maister off Dudope. (?) 15th August 1642.

Defence by the magistrates of Dundee against the complaints of John, Viscount of Dudhope.

"First, the complaint anent the rydeing of the faire and the defenders thair debarring the compleiners from rydeing the samen and refuiseing to give the keyes off the ports and the towbuith is nae wayes relevant, becaus the compleiners hes not lybellit any right to the ryding off the fairs; receaveing the keyes and uplifting the customes and possessioune and usurpatioune off doeing deads prejudicial to the liberties off ane free burgh is ane express confessioune off oppressioune, contrair to the acts of Parliament in favouris of free burrowes, and namelie against the 87 act off King James 4, his sext Parliament, and against the 33 act of King James 3, his 5 Parliament, and to the 61 act off King James 2,

his thirteint Parliament, quhilk actis ar expresslie mad against usurpatioune off constables; and thairfor the complaint foundit upon unwarrantable possessioun without ane right is irrelevant. Miscellaneous Papers.

"Secondlie, the complaint is not relevant becaus thair is no dead off violence nor ryot lybellit bot onely a debarring off the compleiners from thair unlawfull usurpatioune against the liberties off the burgh, quhilk the defenders was obleist to doe for mainteining off ther liberties; and the civil interruptioune and refuseing off keyes and the hindering off the compleiners to ryd the fairs is a civil business depending upon the discusseing off the compleiners rights and the defenders rights befor the ordinar judges, the Lords off Sessioune, and sould be remittit to thame speciallie in respect the toune is infeft *cum nundinis* and hes beine in possessioune off thair owne fairs without rydeing be the constable and without delyvereing the keyes to him be the space of four years bygane, and therefor they aught to continue in possessioune off thair liberties untill their rights be discussit and it be found that the constable hes right to the ryding off the fairs. And for instructing this defenss the instrument off civill interruptioune is producit bearing the defenders refuise to delyver ther keyes and their protestatioune that the Vicount nor nane in his name aught to have liberties to ryd ther fair unless it were found that he hes right therto be the judge ordinar.

"*Tertio*, quher it is lybellit that Androw Smith was committit to ward it is ansuerit that giveing and not granting that he had beene committit to ward the defenders had done no wrong becaus it is offerit to be proven that he injurit the magistrats off the toune with reproachfull speeches.

"It is ansueerit to the second head off the complaint anent the alledgit wrong done to the Vicount and his quarriers in his propertie in the Hill off Dundie, that the defenders did no wrong in impeding off the quarriers to work, becaus the place quher they were working is a commone louning and heigh way and ane passage to and frae the toune within ane paire off butts outwith the samen, and the Kings leiges repaireing to and frae the toune ar in hazard and diverse hes fallen in the holls wroght in the midst off the Kings way, and therfor the defenders did no wrong in impeding the working off the said quarrell, being to the evident prejudice off ther liberties and hazard off the Kings leiges and against the 54 act of Queen Marye hir 6 Parliament ordaneing that all common gates sould be keipit free, and that nane mak impediment and if any does to be accusit and punishit as oppressors.

"Item, that pairt of the said complaint anent the hurting off the quarriers is denyed and the quarriers will not give ther aith off calumnie that they were hurt.

"It is ansueerit to the third head off the complaint anent Williame Steinsone the decoune conveiner his alledgit unlaweing off certane off the compleiners tennents for subscryveing ane petitioune craveing Mr George Halyburtoune to be thair preicher—first the complaint is not

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relevant, not condiscending quhat tennents they were, and, if it were lybellit, the defenders would have ane defence competent to thame, viz. that the saids persones alledgit to have beine unlawit will disclaim this complaint and will declaire that they were compellit be the compleiners to subscryve the said petitioune, being wylit in to the compleiners towbuith of the Hill and threatned to be detenit thair unless they subscryvit; and alssoone as they recoverit thair libertie they disclaimit thair subscriptioune and be mediatioune of the decoune conveiner was reconciled to the rest off the craft. Lykas the said Mr George Halyburtoune being requyrit be the Vicount to have beene receavit be the General Assemblie at Saint Androwes upon the petitioune off the saids pairties alledgit unlawit they disclamit thar subscriptiounes to the petitioune be ane declaratioune in wreitt under ther hands, quhilk declaratioune is lyeing in the hands of Mr Andrew Ker, clerk depute to the Assemblie, and hes disclamit this complaint and declairit that they were never unlawit be the said William Stenisone be ane declaratioune producit to instruct this defenss.

"Secondlie, the complaint is not relevant becaus no dead of violence or ryot is lybellit and the naked unlaweing off pairties without warrand cannot import ane ryot bot is onely ane null act."

206. Summons at the instance of John Forbes of Balnagask against David Barclay of Mathers who was put to the horn on 29th November and 1st December, 1634, for non-payment of a sum of 1000 merks with interest and 300 merks of expenses and upon whom caption also was raised, but all ineffectually, to compear before the Lords at Edinburgh on , and see letters of treason granted against him; dated at Edinburgh 24th August, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.

24th August 1642. Summons at the instance of John Forbes of Balnagask against David Barclay of Mathers.

207. Original of royal letter, dated at Nottingham, 26th August, 1642, as to the commissioners from Scotland, printed *ante*, p. 318. Addressed on the back to the Chancellor and remanent Lords of the Privy Council of Scotland.

26th August 1642. Royal letter anent the Commissioners from Scotland.

208. Note of execution by William Smyth, messenger, on 29th August, 1642, of letters of summons at the instance of Gilbert Barkley, George Shereff, John Rattray, Patrick Clark, John Chalmer, and Alexander Schand, tenants to James Gibsone of Mulderies, against Sir Robert Innes of that Ilk and William McIntosh to compear before the Lords at Edinburgh on 10th November next. Both were personally apprehended; witnesses, Robert Innes, apparent of that Ilk, John Innes of Edindeich, William Laynge, burgess of Elgine, John Chalmers, notary and burgess of Elgine, and Alexander McCondache, servitor to the said William McIntoische.

29th August 1642. Note of execution of summons at the instance of Gilbert Barclay and others against Sir Robert Innes of that Ilk and William M'Intosh.

13th September 1642. Letter from the Earl of Lindsay anent the Scotch troops in Ireland.

209. "Our verie honorable good Lords, wee have this day received from the Parliament this enclosed order anent the Erle of Antrim, whilk they desired us to send to your Lordships that by yow it may be directed to the Generall of our armie in Ireland.

"What is alreadie done anent the brotherlie assistance and the matter of the treatie, these of our number that are now parted from this (and wee hop will be at your Lordships befor this can come to yow) are more able to give your Lordships ane account thairof then wee are, and for what is yitt to be done therin or in anie of the other particulars which wee are commanded by your Lordships now to propone to the Parliament, wee shall be most carefull thairof. And altho our awne private bussiness doeth require our home being at this tyme, yett hopeing to be liberate of this burdine (to heavie for us who are unable for such ane employment) wee shall during our abode use our utmost endeavores to give your Lordships ane full account of our care and diligence in such things as by your Lordships be intrusted to, Your humble servants, (signed) LINDESAY, J. SMITH. London, 13th September, 1642." [Addressed on the back] "To the right honorable the Lord Chancellour and remanent Lords of his Majesties Privie Counsall of Scotland in Edinburgh."

23rd September 1642. Letters of charge at the instance of Mr. James Bonar, minister at Maybole, and Mr. Gilbert Powrie, minister at Stoneykirk, against Fergus M'Dougall and others.

210. Letters of charge directed to Gilbert Muire, messenger, at the instance of Mr James Bonar, minister at Maybole, and Mr Gilbert Powrie, minister at Stanykirk, in their complaint narrated *ante*, p. 321, against Fergus McDougall, brother to the Laird of Freuche; Agnes Agnew, spouse to the said Laird; Jean Agnew, spouse to Alexander McDougall of Logane; Anna Fergusone, spouse to Alexander McCulloch of Ardwell; Jean Cathcart, spouse to William Adair in Killaisser; Isobel Hay, spouse to Andrew McDougall of Killaisser, Andrew and John McDougall, his sons; Margaret, Marion and Elizabeth McDougall, his daughters, Isabel Purveance and Margart Neilsone, servants to Mr Alexander Turnbull, minister at Kirkmadin; Margaret Hay, spouse to Quintene McDougall of Barlokhart; Marion McDougall his daughter; Margaret McMillan, spous to John Smart, reader at Glenluce; Sara Dunbar in Elrig, John Hill in Balgowne, and Alexander Rae, weaver, and their husbands and masters, and the fathers of such as are still unforisfamiliat, to enter these persons within the tolbooth of Edinburgh, there to remain until order be taken with them in the above matter, upon the pain of horning; dated at Edinburgh, 23rd September, 1642, and signed, ARCH. PRIMEROSE, Cler. S. Cons.

29th September 1642. Summons at the instance of the Countess of Home against Sir James Hamilton,

211. Summons directed to George Neill, messenger, at the instance of Dame Marie, Countess of Home, against Sir James Hamiltoun, younger of Reidhall, who "came latelie to the lands of Palmertoun within the baronie of Dunglas and desired one of her coilyears there to carie a letter frome him to some of his acquaintance, which the simple coilyear undertaking, how soone he came whither he wes directed, he wes made fast for

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the service of France; and thereafter the said James went to the said Countesse her salt pannes of Dunglas, pretending that he wes to refresh himselfe there by store and called for the salters to give thame drink money, and gave to twa of thame either a sixpence and departed; and after that sent some soldiours to apprehend thame as having tane pey; whereupon the whole coilyears and salters have left thair workes"; to compear before the Lords on 10th January next at Edinburgh; as also against to compear as witnesses; dated at Edinburgh, penult September, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons." On the back there is the note of execution by the said messenger on 5th January, 1643, against Sir James Hamiltoun, younger of Reidhall, personally apprehended in Edinburgh; witnesses, George Gordoun and Alexander Campbell, messengers.

younger of Redhall, for impressing certain of her colliers for service in France.

212. "The court of the shireffdome of Elgin and Forres haldin within the tolbuithe of Elgin be Alexander Gibsone, burges of Elgin, shiref deput of the said schirefdome, the last day of September, 1642.

30th September 1642.

"That day James Petrie, messinger, burges of Elgin, being personalie warnit be Stephane Lesley, officiar, to compeir befor the schireff and his deputtis this day to ansuer at the instance of Johne Chalmer, notar publict, procurator fiscall of the said schirefdome, for the bluid drawing and straik gewine in the head to Mr William Dunbar, sone lawfull to wmquhill Mr Gawine Dunbar, laitt minister at Alwes, on Michelday instant, compeirit the said James Petrie and confessit the said straik and bluid gewine to the said Mr William Dunbar and thairfor the judge abonewritine fynes and unlawis the said James Petrie in payment of the sowme of fyftie pundis money to be payit to the said procurator fiscall and ordanes him to remaine in waird quhill the samyn be payit. (Signed) Jo. Patersoune, c^ls.

James Petrie, messenger, burgess of Elgin, fined for assault.

213. "Apud Elgin octavo die mensis Octobris anno Domini millesimo sexcentesimo quadragesimo secundo et regni excellentissimi principis nostri Caroli Dei gratia Magnæ Brittanniæ, Franciæ et Hiberniæ regis fideique defensoris anno decimo octavo.

8th October 1642.

"The quhilk day in presence of me, notar publick, and witnessses underwritin, Francis Dunbar, sadler, burgess of Elgin, procurator lawfullie constitute for James Petrie, burges of the said burghe, who for the tyme wes incarcerat within the tolbuith thairof for the blood drawing of Mr William Dunbar, sone lawfull to umquhill Mr Gavin Dunbar, minister at Alvess, as ane convict and unlawed for the same in the sowme of fyiftie pundis money, the said Francis, procurator forsaid, came to the personall presence of Alexander Gibsone, burges of the said burghe, by whome the said James wes unlawed (in maner and for the cause for-

Notarial instrument anent the above-named James Petrie.

said) as schireff depute of Elgin and Forres for the tyme and there reallie offered to the said Alexander Gibsone as shireff depute forsaid the forsaid sowme of fyiftie pundis money as the said James his unlaw for the cause forsaid and alse offered that the said James should set sufficient cautione of lawburrowes to any personeis that should desyre the same; in respect of the quhilks offerris the said Francis, procurator forsaid, desyred the said Alexander Gibsone as schireff depute forsaid to putt the said James Petrie to libertie and releace him of his incarceratione, whereunto the said Alexander Gibsone ansuered that he would not releace him nor put him to libertie notwithstanding of the offeris and that because the schireff principall inhibite him to put the said James to libertie unles he would find sufficient cautione actit in his bookis for keeping of the generall peace and alse to find cautione under the paine of ten thousand merkis monie that the said James shall compeir before the Justice upon citatione for that effect if the said Mr William should happin to die within yeare and day after his blood drawing. Thereunto the said Francis replyed that no inferiour judge within the kingdome could ask or take cautione for keeping of the generall peace and also that there was no necessitie for setting cautione for the said James compeirance before the Justice seing the wound wes not mortall, as he wes content to refer the same to the surgeons declaratione who cured the said Mr William or any uther judicious man in that calling and therefore protestit for the said James his indemnitie in keeping of him in prisone after the saids offeris and that he would seik remead thereof from the Lords of his Majesties Secreit Counsell. And thereupon the said Francis procurator forsaid requyred of me, notar publick undersubscryvand, ane or mae instruments. Thir things were done under William Tarres, skinner burges of Elgin, his stair betuix ten and allevin houris in the forenoone day, yeare, moneth, and place forsaid, before thir witnesses, the said William Tarres, Walter Gilzeane, sadler, burges of Elgin, Alexander Petrie, peuterar, burges thair, and Johne Murcane, tailyeour there.

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Ita est Magister Jacobus Annand, notarius publicus in premissis specialiter requisitus manu propria asseruit. (Signed) J. Annand no^rius^ ass^t^."

25th October 1642. Summons at the instance of Bessie Marjoribanks, widow of Thomas Gray in Peterhead, and others against Gordon of Dilspro and his wife.

214. Summons at the instance of Bessie Marjoribanks, widow of Mr Thomas Gray in Peterhead, and others, against Gordon of Dilspro and his wife, in the complaint narrated *ante*, p. 358, to compear before the Lords on 15th December next; and also against as witnesses; dated 25th October, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. There is a note of compearance on the margin, and a mention of the execution of the charge.

28th October 1642. Summons at

215. Summons directed to Edmond Reidpath, messenger, at the instance of Thomas Hunter of Hagburne against Gilbert Lauder of

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Quhitsled, who was put to the horn for non-fulfilment of a contract to him by paying 200 merks of expenses, relieving him of a cautionry, infefting him in his lands of Quhitsled and others in security, and delivering certain writs, and who remains contemptuously at the horn, to see letters of treason issued against him for his imprisonment in the castle of Blacknes and the rendering of his houses; dated at Edinburgh, 28th October, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the back there is a note of the execution hereof by the said messenger on 19th November against Gilbert Lawder of Whitslaid, personally apprehended within his dwelling house at the east town end of Lawder; witnesses, George Tait, hind to James Wricht of Glaidswood, and William Brouning, indweller in Rippeth. There is also a jotting that the messenger on the same day charged William Lauder, personally apprehended before the above witnesses, and on the 21st at the market cross of Dunce; witnesses, Archibald Litill, and David Gyreiff; at Greinlawe; witnesses, James Lermont and James Crawe, indwellers there; and at the cross of Lauder; witnesses, Charlie Smyth and John Crage.

at the instance of Thomas Hunter of Hagburne against Gilbert Lauder of Quhitsled for contempt of horning.

216. "Apud Innernes vigesimo nono die mensis Octobris anno Domini millesimo sexcentesimo quadragesimo secundo.

29th October 1642.

"The quhilk day in presens of us, notars publict undersubscrivand, and witnesses wnderwrettene comperit personallie the richt honorable Angus M°Donald, apperand of Glengarrie, oy to Donald M°Angus of Glengarrie, and declarit in our presens and in the presens of the richt honorable Willeame M°Intosche of Torcastell and of certane of the said Angus M°Donald and Willeame M°Intosche thair honorable friendes and followars than present, that forsamekill as the said Angus M°Donald was ane long tyme incassarat within the Castell of Edinburgh and thairefter ane long space confyned within the toun of Edinburgh for not finding catione for redress of the slachter comittit be certane of the said Angus his freindes and kinsmen at Innernes the day of $j^{m}vj^{c}$ fourtie zeires, of certane of the said Willeame M°Intosche his kyn and freindes, was by the Lords of his Majesteis most honorable and Prive Consall, out of thair vyse and good consideratione, relacs frome his prissone and confynement in the moneth of last bipast, upon catione to compeir befoir the Lords wpone the day of nixtocom, to the effect the said Angus betuixt the said day of his compeirance micht repair home to his awene contrey and causs gif all honorable and ressonable satisfactione and redres for the said slachter to the uttermaist of his powar to the said Willeame M°Intosche and his freindes; thairfoir the said Angus M°Donald, for giffing all obedience and to certife his reverend regard and humble respect to the desyre of the said honorable Lords of his Majesteis Privie Consall, did meit at the burgh of Innernes the said day, accompanied with Thomas Fraser of Strechine, Sir Johnne M°Kenzie of Tarbat, knicht barronat, and Willeame Fraser of Culboke,

Notarial instrument certifying that the Right Honourable Angus M'Donald, apparent of Glengary, offered satisfaction to the Right Honourable William M'Intosh of Torcastele for the slaughter of certain of the said Laird of Torcastele's kin.

and certane uther his honorable freindes, his arbitratours, who war presentt, and thair maid offer to the said Laird M°Intosche in presens of his honorable freindes, viz., Willeame M°Intosche of Kellache, Mr Thomas M°Kenze of Innerlaall, his arbitratoures, who war lyckvayes presentt, of the accomodatione following and conditions efter mentionat, for gewing full satisfactione to the said Laird M°Intosche and his freindes for the said slachter, viz.:—the said Laird M°Intosche, haiffing chosine certane of his freindes to whome the said mater sould have beine submittit for his part, viz., the said Robert Farquharsone, Willeame M°Intosche and Mr Thomas M°Kenze, and the said Angus M°Donald haiffing chosine certane of his freindes, viz., the said Thomas Fraser of Strechine, Sir Johnne M°Kenze and Willeame Fraser of Culbokie, and the said Laird M°Intosche haiffing had the choise of the oversman incaice of the varience of the freindes referrit to himselff, and having nominat and chosine the Laird of Pluscardie to be owersman, quhairunto the said Angus M°Donald in testimonie of his peciable dispositioun and full resolutione to see all ressonable satisfactione gewen, concordit and aggreit, the said Angus M°Donald was content to submit for himselff and for his awen entres, and also the said Angus declairit that Johnne M°Donnald of Innergarre, Johne M°Donald, younger, portioner of Slisgarrow, and Allexander M°Donald in Culleche, alledgit committars of the said slachter, war content to submit for thameselfes and thair complices, to the said judges arbitratoures and owersman abone nominat and to obtemper thair decreit, lyck as the sam was offerit in thair names [be] the said Sir Johnne M°Kenze and Willeame Fraser of Culbokie, tuo of the freindes chosine for thame and for the part of the said Angus; and also the said Angus M°Donald, for the forder testimonie of his villingness and forder dispositione to the said agreament, becaus it was alledgit that the saids persons, alledgit committars of the saids slachter, war unlegall, maid offer of certane legall gentilmen, barrons, who sould become cationers for the said alledgit committing of the said slachter, for fulfilling of thair part of the said decreit to have beine pronuncit be the said freindes and owersman in the said mater. Lyck as the said Angus M°Donald, resolving to have no ressonable conditiones for fulfilling thair pairt of the said decreit as said is, offerit for tacking away of the said questione abonewretine, albeit it be notoriously knowen that he was innocent of the said slachter, was content and did offer to ingage himselff as cationer for what assythment and satisfactione suld be imposed be the saids freinds and owersman to the said Laird M°Intosche and his friendes, whilk offer was allutterly refused by the said Laird M°Intoshe and his freindes. Upone the quhilk offer and refusall the said Angus M°Donald requerit actes and instrumentes in our handes and protestit that he haid don his uttermaist dilligence and indevoir that all satisfactione and contentment micht have bein geven to the said Laird M°Intosche and his freindes for the said slachter alledgit done be the committers heirof, according to the directione and command of the saids Lords of his

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Majesteis most honorable Prive Consall gewen to him at his last releisment, and that it was not in his defalt and negligence, but the said command of the saids Lords was not obeyit. As also the said Angus M°Donald requerit and desyrit Sir John M°Kenze of Tarbat, knicht barronat, and Willeame Fraser of Culbokie, who war present, to gif and delyver to him thair testificat under thair handes testefeing and declaring the veritie of the premisses and offers maid be the said Angus M°Donald and his freindes to the said Laird M°Intosche and his freindes. Thir thinges war done within the bruche of Innernes in the biging and dualling house of Robert Bailzeis, merchand of this brucht, betuixt ten and alleven houres befoir none, day, monethe and yeir of God and of our soverane lordes regne abowewretten, in presence of Allexander M°Kenze of Cowell, Mr Thomas M°Kenze of Innerlaall, William M°Intosche of Kellache, Lauchlane M°Intosche, brother to the said Laird, and dyverse uthers witnesses speciallie requerit desyrit to the premises.

"Ita est Jacobus Abraham, notarius publicus, fidele testimonium adhiberi veritati in premissis rogatus et requisitus, teste manu propria.

"Ita est Robertus Waus, connotarius publicus, in fidem omnium et singulorum premissorum rogatus et requisitus; subscribo."

217. "Apud Innernes vigesimo nono die mensis Octobris anno Domini millesimo sexcentesimo quadragesimo secundo regnique S. D. N. regis anno decimo octavo. 29th October 1642.

Notarial instrument certifying that Angus M'Donald of Glengary had not given satisfaction to William M'Intosh of Torcastle.

"The quhilk day in presens of us notaris publict undersubscryvand and witnesses underwreittin compeirit personallie the richt honorable Williame M°Intoschie off Torcastell in presens off Angus M°Donald off Glengarrie and certane his honorable freindis then present, and declaireit that how be wertew of ane decreit and delyverance of the Lords of his Majesteis most honorable Privie Cunsall the said Angus M°Donald was a long tyme incarcerat within the Castell of Edinburgh and thairefter for ane long space confyned within the toune of Edinburgh, for not exhibiting of Johne M°Donald in Innergarrie, Johne M°Donald, younger, Allexander M°Donald in Cullachie, his unkillis, and certane others rebellis, his men, tennentes and serwandis, conteineit in the said Williame M°Intoshie his criminall letters, befor the Justice for the cruell and barbarous slauchter of umquhillis Lauchlane M°Intoshie and Williame Millar, kinsmen and serwands to the said Williame M°Intoshie, at the towne of Innernes upoun the fyfteine day of August (being the Lords Saboth day) in anno j^m vj^c fourtie ane yeiris; and how thairefter the said Angus M°Donald was be the saids Lords of his Majesties most honorable Priwie Cunsall, out of thair wyse and good considerationne, released frome his imprisonement in the moneth of last bypast upoun cautioun to returne and compeire befor the saids Lords upoun the day of nixtocum to the effect the said Angus M°Donald

in the meane tyme of his releasment might repaire home to his owin bounds and give all honorable and reasonable redres and satisfactioun for the forsaid slauchter to the utermost of his powar to the said Williame McIntoschie and his freindes. And the said William McIntoschie, reverentlie acknowledging and humbillie respecting the said honorable Lords good and wyse consideratioun in releaseing the said Angus McDonald to the effect forsaid, he, at the earnest intreatie and request off Johne McRonald, adwocatt in Edinburgh (in name and behalf of the said Angus McDonald), repaireit to the bruche of Innernes upoun the tuentie sewint day of this instant in ane most queat and civill maner without any convocatione, and the said Angus McDonald, haweing come thair the forsaid day accompanied with the forsaid rebelles, with great convocatioun of his Majesties leeges, in ane barbarous and hoastille maner to the wiewe of the haill people and inhabitantes off the said bruch, contrarie to the lawes of this kingdome (notwithstanding of the forsaid convocatioun and uncivill proceidinges) to signifie his regard to the peace of the cuntray and willingnes to accept ane honorable and reasonable satisfactioun and redres for the forsaid slauchter, according to the saids Lords meaneing in releasing the said Angus McDonald in maner forsaid, efter certane communing did condiscend to ane freindlie submission and did nominat freinds (and in caice of warriance amonges them ane owesrman) and thairefter desyrit the said Angus McDonald, being personallie present, to taik burden for the saids rebelles and to bind for them in the said submission (according to his former condiscendence be communing) and as he who is allredie found be the saids Lords of his Majesties most honorabill Priwie Counsall ansuerable for thes rebelles (at leist for so many of them as ar his men, tennentes and serwands), quhilk desyre the said Angus McDonald, being personallie present, as said is, absolutlie refuisit, and wauld not submit but for himself and his owin entres allenerlie, and the saids rebelles to submit for themselffes, and thairby the said Williame McIntoshie, understanding perfytlie that the said Angus McDonald and his freinds haid no reall intention to obtemper the saids Lords desyr nor to give him nor to his freinds ane honorable satisfactione and redres for the said slauchter, thairfoir he protestit that no honorable nor reasonable satisfaction was offerit to him in so far as the said Angus McDonald refuisit to tack burden for his men, tennentes and serwands in ane freindlie submission; and also the said Williame McIntosche protestit that the said Angus McDonald sould alwayes and in all tyme coming be ansuerable and lyable for the saids rebells (his unkils) and his men, tenentes and serwands, and for all skaithe and damnage he or his freinds sould sustaine throw thair deids in tyme cuming, according to the tennour of the saids honorable Lords decreit abowmentionat; quherunto the said Williame McIntoshie adheared simpliciter. Upon the quhilks haill premisses the said Williame McIntoschie askit and tuick instruments ane or mae in our hands and requyrit Allexander McKenzie of Coull, Maister Thomas

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McKenzie of Inverlaill, Mr Coline McKenzie, minister at Couttan, Williame McIntoshie of Kellachie, and Hector McIntoshie of Condage to give and delyver to him thair testificat under thair handis, testifieing and declairing the veritie of thir premisses and his willingnes to accept ane honorabile and reasonabill satisfaction for the forsaid slauchter. This was don within the bruche of Innernes within Robert Bailzies dualling hous thair betuext tene and allewin houris befor nune, day, yeir and place forsaid, in presens of Sir Johne M^ckenzie of Tarbatt, knicht barronet, the saids Allexander McKenzie of Coull, Mr Thomas and Mr Coline McKenzeis, Williame and Hector McIntoshes, witnesses heirto speciallie askit and requyrit.

"Ita est Robertus Waus, notarius publicus, in fidem omnium et singulorum premissorum rogatus et requisitus, subscribo.

"Ita est Jacobus Abraham, connotarius publicus, in fidem omnium et singulorum premissorum rogatus et requisitus subscribo, teste manu propria."

[On the back] "Produced be McIntosh."

218. Summons directed to William Sutherland and Robert Andersone, messengers, at the instance of James Petrie, messenger, narrating that on 22nd September last Mr William Dumbar, son of the deceased Mr Gawin Dumbar, late minister at Alves, "battouned the compleanner on the head upon the calsey of Elgine, and the said compleanner, having in his necessar defence givin the said Mr William ane light stroke on the head, he wes for this caus made prisouner in the tolbuith of Elgine and fynned be our shireff of Elgine in the soume of fiftie punds and be the provest and bailleis of Elgine in threttie punds." When on 8th October last payment of the said fine was offered to the sheriff depute and caution to any who required the same, he refused, as the sheriff principal would have the complainer remain in ward until he found caution for keeping the peace with the whole lieges under the penalty of 10,000 merks. Now this is beyond the power of a sheriff to exact, and the caution is beyond the means of the complainer who is but a poor man. But the said sheriff is chief to the said Mr William, and intends by this means to undo the complainer in his calling from which he has been debarred this long time. Command is hereby given to the said sheriff of Elgine, the provost and bailies of Elgine and the said Mr William Dunbar, to compear by some one instructed for them and produce the complainer before their Lordships on at Edinburgh. The summons is dated at Edinburgh, 1st November, 1642, and is signed, ARCH. PRIMEROSE, Cler. S. Cons. On the margin is noted, "*Primo Decembris*, 1642; persewer be James Stuart; defender be Mr Thomas Gilzean who produced a letter frome him. Ordans the persewer to be put to libertie, he first findeing caution to keepe the peace and paying or consigning the fine." Affixed to the summons is a paper containing notes of the executions, (1) on 11th November, 1642, by William

1st November 1642. Summons at the instance of James Petrie, messenger, against the sheriff of Elgin, and others for illegal warding.

Sutherland, messenger, against the provost and bailies of Elgine, viz., Mr John Hay, provost, and Alexander Lesley, James Douglas, and George Cuming, bailies, and against Alexander Gibsone, burgess of Elgine, sheriff depute thereof, all personally apprehended, in presence of Nicolas Dunbar, burgess of Elgine, William Robertsone, younger, burgess there, Mr Walter Swentone, servitor to the Laird of Duffus, and Mr Robert Toid, minister at Rothes. (2) On 12th November, 1642, by Robert Andersone, messenger, against Alexander Dunbar of Westfaill, sheriff of Elgine, and the said Mr William Dunbar, both personally apprehended; witnesses, William Hebrone and Robert Gilbert, servitors to the said sheriff; Robert Dunbar of Burgie, Francis Stewart, son to Mr David Stewart of Neutone, and George Elpein, armourer in Elgine. Miscellaneous Papers.

4th November 1642. Supplication by James Douglas, justice officer, for summons against David Brunton, merchant in Edinburgh, for assault.

219. Supplication by James Douglas, justice officer, against David Bruntoun, merchant in Edinburgh, as follows:—On 3rd September last the supplicant being in Leith, "doing my liesum and lauchefull effairis towardis Edinburgh, and cuming hame be the way in peacibill maner, not expecting ony harme or wronge to be done to me be no persone or persones quhatsumevir, the said David Bruntoun of set purpois and forthocht maleice innocentlie conceavit aganis me onbeset me upone the Kingis hie streit at the Windmilne betuix Leithe and Edinburgh, and thair under cloude and sylence of nicht he most schamefullie, maliciouslie, vickidlie and ungodlie put wiolent hand in me behind my back and threwe me be the lapis of my cloick to the ground aff the calsay, and maid me to fall upone ane stone, and hes therby brockin tua ribis in my syde, and gat on abone me and brusit me with his kneyis and armis in dyverse pairtis of my bodie, and except that it pleissit the great God Almichtie that maid thre honest men to be in the way, quha tuick the said David frome me tua severall tymes, I being at the ground under him, he haid not mist to have most schamefulle murtherit me and bereft me of my lyfe; and hes bein continowallie sensyne bedfast and under cuire with doctouris and pothicares, to my great hurt and prejudeice, and is not altogidder in healthe of bodie as yit; quhilk wrang and oppressioun I vald not have sustenit for fyve houndrethe merks monie." He therefore craves summons against the said David Bruntoun for his compearance before their Lordships on the 17th of November; also against Robert Hay, writer, George Quhytheid, John Livingstone and Robert Somerwell, as witnesses. [On the back] "*Apud* Edinburgh, 4 Novembris, 1642. *Fiat summonitio ut petitur* to the sevintein day of November, 1642, (Signed) S. Thomas Hop." Also two executions by John Hamiltoun, messenger, on 16th November, 1642, (1) against David Bruntone, personally apprehended; witnesses, Allan Bruntone, father of the said David, and James Dowglas, younger; and (2) against George Quhytheid, Robert Hay, writer, John Livingstone, admiral officer, and Robert Somervell, personally apprehended; witnesses, Robert Hamiltone and John Campbell, servitors to Thomas Forrest, writer, and James Kynneir. (Signed) J. Hamiltoun, messenger."

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220. Summons at the instance of Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, Katharine Kinloch, widow of Anthone Whyt, W.S., James Quhyt, his second lawful son, and Hew Lauder, messenger, narrating that, though the deforcing of messengers is a crime against the law, and Mr Alexander Hamilton of Kinglas and John Hamilton, fiar thereof, his son, being at the horn for non-payment to the said widow in liferent and to her said son in fee of the sum of 1000 merks with interest and expenses, and the execution of letters of caption against them being committed to the said Hew Lauder, who, on 5th November instant, went to the house of William Foster, late bailie of the Cannogait, where the said John Hamilton was for the time, and apprehended him, charging George, Lord Forrester, Mr Andrew Ker, clerk of Linlithgow, and John Livingstoun, merchant burgess of Edinburgh, who were in the chamber with the rebel, to assist him in the execution of his duty; yet these three persons, assisted by some of Lord Forrester's followers, laid hands on the messenger, "gave him manie bauch and blae straiks and held him till the rebell drew a sword and wounded him on the sheckell bone to the effusion of his blood, and then patt the rebell doun stairs with drawin swords in thair hands, and keeped the messenger till he was gone, so as the said messenger wes forced to break his wand of peace and protest for remeid of law aganis this deforcement." Command is given for charging the persons complained upon to compear before the Lords on 15th November and also against as witnesses. The summons is dated 7th November, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is noted—"15 November, 1642, Parties personallie: The Lords recommends to the Earls of Callander, Glencairne, Balmerinocht and Justice Clerk, or anie twa of thame, to setle the parties." 7th November 1642. Summons at the instance of Katharine Kinloch, widow of Anthony White, W.S., and others against Mr. Alexander Hamilton of Kinglas, and others.

221. Summons against Sir Gilbert Menzeis of Pitfoddells and John Forbes of Leslie to compear before the Council on 15th December next, in the cause narrated *ante*, p. 357; dated 9th November, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.: with note of compearance and decree on the margin; also the finding of caution by Pitfoddells. 9th November 1642. Summons against Sir Gilbert Menzies of Pitfoddells.

222. Notes of executions by Alexander Porteus, messenger, at the instance of his Majesty's Advocate, Katherine Kinloch and others in the action and summons, by them narrated *ante*, No. 220, (1) On 9th November, 1642, against George, Lord Corstorphine, personally apprehended; witnesses, Robert Alexander in Corstorphin, and Robert Ross, servitor to the said Lord: (2) on 10th November, 1642, against Mr Andrew Ker at his dwelling house in Lithgow and John Hamiltoun at his dwelling house in Borrowstouness, and also at the market cross of Lithgow; witnesses, Robert Maine, servitor to Robert Ker, father of the said Mr Andrew, Homer Miller and James Ros, servitors to the said John Hamiltoun, and John Roxburgh and James Corstoun, indwellers in 9th-12th November 1642. Notes of executions of summons at the instance of Katherine Kinloch and others against George, Lord Corstorphine, and others.

Lithgow: (3) on 11th November, 1642, against John Livingstoun, personally apprehended; witnesses, George Neill and John Hart, younger, messengers in Edinburgh: and (4) on 12th November, 1642, against William Blair, John Thomsoun, messenger, James Ramsay, one of the town officers of Edinburgh, Alexander Baster, Arthur Barie, and James Dawssoun, town officers of the Cannogait, as witnesses in the case, all personally apprehended; witnesses, the said George Neill and John Hart. Miscellaneous Papers.

11th November 1642. Notarial instrument certifying that James Petrie, messenger, was freed from ward in the tolbooth of Elgin by the magistrates of the said burgh.

223. "Apud Elgin undecimo die Novembris anno Domini millesimo sexcentesimo quadragesimo secundo.

"The quhilk day, in presens off me nottar publict and vitnesses underwritin, Mr Johne Hay, provest off the burgh off Elgin, compeirit personallie within the toubuth off the samen, quherin James Petrie, messenger, ves imprissonit for the ryot and blood drawing of Mr William Dunbar, sone to umquhill Mr Gawin Dunbar, leitt minister at Alues, and declarit that he as provest off Elgin, as also the bailyeis off the samen, wes chargit be vertew off our soverane loirdis letters to exhibeit the said James Petrie beffoir the Loirdis off Privie Consell quherby he may be put to libertie out off the said toubuth off Elgin upon sick conditiones as the saids Loirds suld think fitting: and for obedience theroff, declarit for himselff as provest and in name and behalff off the saids bailzeis that they ver content that he suld go to libertie quhen he pleissit for any thing they haid to say to him concerning the said ryott or bloodvitt, lett the shereff do his awin pairt concerning the said chairge, they protestit to be frie off exhebitione off the said James befoir the saids Loirds; in respect that they quyttit their entres and ves content that the said James suld go to libertie out off the said towbuth off Elgin quhen he pleissit, quherupon the said James Petrie requyrit and tuik act and instrument in my hands that he ves demittit out off vaird vithin the said toubuth at the said provest and bailzeis hands. This ves done within the said toubuth off Elgin, day, yeir and moneth forsaid about the houre off ten beffoir none or therby, beffoir thir witnesses, Nicolas Dunbar, burges off Elgin, Allexander Dunbar, his sone, notter publict, Johne Alpein, armorer, burges off Elgin, Allexander Brabner in Birnay and Johne Fresar, eilmaster in Elgin. Ita est Willielmus Sutherland notarius publicus in premissis specialiter requisitus; subscribo. (Signed) W. Sutherland, nor^mis^ ass^t^.

16th November 1642. Letter from the sheriff of Elgin explaining why he had detained James Petrie, messenger, in ward in the tolbooth of the burgh of Elgin.

See *ante*, p. 563.

224. "Right honorabill and most respectit Lordis, my humble serwice rememberit. Pleis your Lordships, I am chairgit to give my compeirance befor your Lordships wpon the tuantie twa of this instant, at the instance of James Petrie, for setting the said James Peitre at libertie out of the tolbuith of Elgin quher he is incarcerat for the present. For obedience of the quhilk chairg I intendit to have giffin my compeirance the said day, if my health had permittit, and being unable my selff, in respect of my seiknes for the tyme to compeir the said day, I have wreittin thir lynes

Miscellaneous Papers.

schawing your Lordships that the said James Petrie was incarcerat in the said tolbuith upon the twantie nynt day of September last for ane wound and straik giffin be him to Mr William Dunbar in the head behind his back, for the quhilk fact he was fyned be my deput the said day in the soume of fyftie punds; for payment quherof he was arreistit in the said tolbuith quher he as yit remaines for not payment therof. Lykeas ther was ane generall complaint giffin in against him as ane commoun oppressour and blood shedder, quherby it was desyrit that he sould be deteaned in waird quhill he sett cautioun for the generall peax, for not doeing quherof he is as yit deteined in waird. I was alwayes willing to have sett the said James Petrie at libertie upon payment of his fyne and of his finding caution to the general peax, bot he has done nather of thame as yit, quhich is the only reassone that he is keipit in waird. Lykas I am willing as yit to condescend to his liberation upon the payment of his fyne and to referre the taking ordour for the generall peax to your Lordships, bot I am confident that your Lordships will not think it ressonabill that I sould condescend to his liberatione without payment of his fyne, not so much for anything I care for the payment of the soume as for the preparative to uthers in tyme cuming and the prejudice quhich my office may susteine in tyme cuming be the lyk. I have wreitt thir lynes to give your Lordships satisfactioun and to informe your Lordships of the reassones quharfor he hes bein keipit in waird, quherof being assuirit your Lordships will tak notice as ressonabill, I rest, and sall alwayes approwe myselff, your Lordships reall servant to my power. (Signed) WASTFIELD. Boighoill, 16 November, 1642." [Addressed] "For the richt honorabill my most respectit guid Lordis, my Lord Chancellar and remanent Lordis of the Privie Counsell, these."

16th November 1642. Letter from Thomas Pennell, physician, certifying that Mr. William Dunbar is unable to appear before the Council on account of the wound he had received from James Petrie, messenger. See *ante*, p. 563.

225. "To all and sindrie quhom it effeiris to quhais knowledge thir presenttis sall come, and in speciall to the honorabill Lordis of his Majesties Secreit Counsell, be it knowen that Mr William Dunbar hes bein wnder cuir with me since the tuantie nynt day of September last bypast of ane greate stroake and wound in his head, geivin to him be James Petrie, messinger, and is as yit wnder cuir of the samyn wound, quhairof he is not perfeitlie cuired as yit; be reassone of the quhilk wound and stroack he is not able to compeir before your Lordships wpone the tuantie twa of this instant at Edinburgh without great danger and prejudice to him in his health to ansuer befor your Lordships to the chairg giffin to him for setting the said James Petrie to libertie. This I, Thomas Pennell, phisitian, testifies to be of weritie wpon my conscience be thir presentis, subscrivit with my hand at Boighoill, the saxteine day of November, jmvj fortie twa yeiris, before thir witnesses, Francis Stewart, servitor to the said Thomas Pennell, and Robert Dunbar, wreittar heirof. (Signed) Thomas Pennell; Francis Steuart, witnes; Robert Dunbar, wreittar, and witnes."

16th-23rd November 1642.

Notes of executions of summons at the instance of Isabel Forbes, Lady Williamston, against William Coutts of Auchterfoull.

226. Notes of executions of summons at the instance of Isabel Forbes, Lady Williamstoune, (1) on 16th November, 1642, by Lancelot Leslie, messenger, against William Coutis of Auchterfoull, now called Clunye, at his dwelling place of Cluny, where himself, his lady, children and servants were; but, perceiving the messenger and his witneses "drawing neir the yeat thairof, they causit cloise and lock the said yeat that I culd not apprehend him personallie, and efter that I had givine sex severall knokis upone the yeat of his said duelling place I affixt and left ane full and authenick coppie" of the summons, charging him to compear before the Lords on 13th December next; witnesses, John Gray and William Androw, servitors to Thomas Erskyne of Balhalgardie; (2) on 23rd November, 1642, by John Innes, messenger, against the said William Couttiss at the market cross of Aberdene to the same effect; witnesses, Gilbert Brek, and William Murcor, officers, and George Kempt, writer in Aberdene. Miscellaneous Papers.

17th November 1642.

Supplication by Mr. James Seton for summons against Mr. Andrew and Mr. Mungo Dick for illegally preventing the apprehension of Alexander Dick, writer in Edinburgh.

227. Supplication by Mr James Seaton as follows:—Alexander Dick, writer in Edinburgh, owes him 3300 merks, and the supplicant has horning and caption against him, nevertheless "he daylie resorts to Sir William Dicks hous to bed and buird," and the supplicant, having desired the bailies and messengers to apprehend him there, they refused, and so he delayed execution until on 6th September he apprehended him "one the casey, quho wes willing to goe to the [? bailie] and give me satisfactione, and, as we wer going, Mr Andro Dick with his accomplices unawars com, and laying his hand upon my whinger took Alexander Dick from us, saying he wald be ansuerable for [him] and comandit him to goe to Sir William Dicks hous, quho did soe, and the messengers and officers, seing him in at the gate, came to me and delyverit me my letters back agane and refuisit to goe in, and upon the morrow Mr Andro Dick came to me upon the casey at the corie and most ridiculously said, 'Quherfor doe ye trouble this puir man Alexander Dik, and, give ye will be pleasit to discharge him, [? I] will buy a tuapenny pig and beg ten dollours from frinds and will give yow the pig with the dollours [in] full satisfactioune'; and, at tua aftirnoone, I being going about my busines, the said Mr Andro h . . . out ane base fellow, Mungo Dick, quho come unto me going with Johne Dunlap, advocat, and Johne Bane . . . 'Wald ye speik with Alexander Dik, I will bring him to this place imediatly and ye dar not touch . . . is ane honester man then yourself and yow ar but a rascall in troubling of him' . . . moe injurious words, sua that Johne Bane and I went to the balyies to compleane, and he went his [way]; but one the morow, I being in Thomas Forest, writeris chamber, came unto me; and not only the foirsaid but worse words he spake unto me; sua I went unto Sir William Dik his hous, quher the said Sir William, M^r^ [Andro], the rebell Alexander Dick and Mungo Dik wes and shew Sir William how Mr Andro and Mungo Dick had . . ." He therefore craves summons against the said

cellaneous ers.

Mr Andrew and Mungo Dick. [On the back] "*Apud* Edinburgh, 17 *Novembris*, 1642. *Fiat summonitio ut petitur.*" (Signed) LAUDERDAILL. Also Note of execution on 5th December, 1642, by Alexander Porteous, messenger, against Mr Andrew and Mungo Dick, personally apprehended, to compear on 8th December instant; witnesses, John Thomsone, Hew Lundie, and J . . . Grahame. (Signed) A. Porteous, messenger.

228. Notarial Instrument dated within the tolbooth of the burgh of Elgin, 17th November, 1642, narrating that Alexander Gibsone, sheriff-depute of Elgin and Forres, for himself and in name of the sheriff-principal and procurator-fiscal of that sheriffdom, required James Petrie, burgess of Elgin, to pay to him the fine of £50 laid upon him upon his own confession for "the bluid drawing" of Mr William Dunbar, lawful son of the deceased Mr Gawine Dunbar, on 29th September last, and to find caution for keeping the general peace, and declared that he was content, as he was always willing since the incarceration of the said James, that he should be liberated on doing so; but, upon the refusal of the said James to do so, who said that the fine was already paid but produced nothing to verify the same, took this instrument under the hand of John Patersoune, notary, before these witnesses, Alexander Russell, elder, merchant, Thomas Warrand, John Alpine, armourer, burgess of Elgin, and William Cuik, messenger.

17th November 1642. Notarial instrument in name of Alexander Gibson, sheriff-depute of Elgin and Forres, narrating that James Petrie, messenger, refused to pay the fine imposed on him for wounding Mr. William Dunbar.

See *ante*, p. 566.

229. "Memorandum for raiseing of ane complaint befoir the Secreit Counsell or ane criminall persute befoir the Justice at the instance of Thomas Ord in Bauchlaw against William Ord, sonne to umquhill Alexander Ord, sometime of Findochtie, Mr James Hay of Muldavet and William Forsyth, his servitor, Mr Andro Hay of Westersyde and his servitor.

c. 24th November 1642. Memorandum in the name of Thomas Ord in Bauchlaw for raising a complaint against William Ord and others.

"Makand mentione that quher the persones forsaidis come to the burgh of Banff upone the tuentie fourt of November, being ane shereff court day, pretending for choysing of curatores to the said William Ord befor the Shereff as they did, quha haveing stayed all night within the said burgh, they deliberatlie the morne thaireftir out of ane forthought fellonie come to the duelling hous of Johne Kellie, baxter, quher they were informed the said Thomas Ord was for the tyme, off purpose, if they hade found him, to have takin his lyff; and not finding him thair, eftir thay hade stobbit beddis and ryped all the said Johne Kellies housses for that end, thay immediatlie thaireftir went furth of the said burgh one thair horses to the said Thomas Ord his duelling hous in Bauchlaw, he being in the meanetyme casting in ane stak of beir in his awne corneyeard, and, seing the foresaidis persones approatch his hous, fearing and suspecting some harme or injurie to be done to him, left his awne corne yeard and betuik him to his awin hous for safetie, and eftir closeing and ranforceing his awin doores within upone him, the

saidis Mr James and Mr Andro Hayes and William Ord, accompanied with the persones foresaidis, cam maist barbarouslie and inhumanelie be way of hamesuckin and unbeset the said Thomas his hous, being all boddin in fear of warre, with swordes, hagbuttis and pistollis, crying to the said Thomas to mak oppin doores utherwayes thay would ding up the samen upone him, vowing and protesting with many horrible and execrable aithes to have the said Thomas his lyff if he should not render to them ane band granted be the Earle of Findlater to him upone the soume of thrie thowsand merkis money less or more, and withall instantlie discharged thair haill gunnis and pistollis diverse tymes in at the said Thomas his windows, fyred his hous within, fyred the hayre of the said Thomas his awin head and schot ane bullet over his head through his hayre; were not be the meanes and help of his awin servantis being within the house for the tyme the said hous and all within the hous for the tyme the said hous and all within the samen hade beine burnt to ashes; as also the din and noyes of the schottis so affrighted the said Thomas his wyff, being great with chyld for the tyme, that she is lyk to pairt with the samen and is in hazard of her awin lyff. As lykwayes the saidis schottis did affright and terrifie the said Thomas his oxin, being plewing for the tyme." Miscellaneous Papers.

On the back there is a draft of the commission for the parish of Glenluce granted on 13th December, 1642, to Thomas Hay of Park and others, noted *ante*, p. 357; and also the following note:—"*Apud* Edinburgh, 12th January, 1643. The like act past to Johne Fullerton of Carleton, William Gordoun of Robertoun, Robert Gordon of Knokbarles, Robert McClellan in Balmanno, Johne Lenox of Plumtoun, John Robertsone in Ros, Johne Gordon in Barlockan, and James Paline in Kerseclatoun, or anie 3, within the parish of Borg."

26th November 1642. Summons at the instance of John Baillie in Ballinglach, and others against the magistrates of Wigtown.

230. Summons at the instance of Sir Thomas Hope, his Majesty's Advocate, John Baillie in Ballinglach and others, against the magistrates of Wigtoun, in the action narrated *ante*, p. 367; dated at Edinburgh, 26th November, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.: with a note of the compearance and decree upon 27th December thereafter.

26th–28th November 1642. Notes of executions of summons against Thomas Gordon and others.

231. Notes of executions by William Watt, messenger, of a summons, (1) On 26th November against Thomas Gordoun "at ane hous of the toun and landis of Dilspro, quhair he, his wyff, bairnes, had actuall residence for the tyme, becaus I could not apprehend him personalie; and lykewayes commandit and charget Margrat Allerdes, his spous, for her selff, personalie apprendit," to compear before the Lords; also on the same day at the market cross of Aberdene; witnesses, Mr Alexander Keith in Auld Aberdene, George Huchone there, John Smyth in Piterheid and John Blak in Straloch: and (2) On 27th and 28th November against John Chalmer in Perslie, Richard Drum there, Alexander Wat-

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sone in Denstoun, George and Alexander Symer there, James Brockie in Dilspro and William Smyth there, all personally apprehended, and against James Thomas in Kairnefeild, Patrick Watsone in Denstoun and Patrick Lintoun in Buckie, at their dwelling places, to compear as witnesses in the above cause; witnesses, George King in Auld Aberdene, William Auld there, William Johnestoun there, Harry Kilgour there, and George Smyth in Dilspro.

1st December 1642. William, Earl of Lothian.

232. Draft of the act of Council appointing William, Earl of Lothian, to go to France, printed *ante*, p. 354.

2nd December 1642.

233. Edinburgh, 2 December. *Sederunt*:—Hamilton, Argyle, Lauderdail, Louthian, Balmerino.

Instructions to the Earl of Lothian in his mission to procure the confirmation of the ancient alliance between France and Scotland.

"Instructions given be the Lords of his Majesties Privy Councell of Scotland to the Earl of Louthian in the comission given to his lordship to treat with suche as sall be appoynted be the Frenche king for confirmeing the antient alliance betuix the kingdomes of Scotland and France, and restoring the subjects of this kingdome to the priviledges formerlie enjoyed be Scotsmen in France.

"Item, a letter to be written to the Kings [Majestie] giveing ane accompt of what is comitted to the Earle of Louthian, and quhilk will be shawin to his Majestie be the said Earle.

"Item, a letter of credit to the Frensh king; and a letter to be written to the Cardinall desyreing his Eminence that, as he hes ever shawn his affection to this kingdome, so he will now in this particular comitted to the Earl of Louthian give expressions thairof, since the said Earle is to rely fuller upon his councell for the furtherance of suche particulars as may tend to [the] weele of this kingdome.

"A letter to the Marques de la Feite en Baux, to take notice of several conferences held the tyme of his being in Ingland with the Earl of Louthian anent the confirmeing the antient alliance betuix the kingdomes of Scotland and France, and that the said Earl of Louthian, being now imployed for that effect, to desyr his lordships concurrence with him.

"Instructions, etc.

"Your lordship is to make your addresse to the kingdome of France with all diligence and thair to delyver our letters to the King and shew him your comission, and expresse to him the affection of this kingdome and thair desyr to renew the antient freindship and alliance betuix the kingdomes of Scotland and France.

"And thairafter your Lordship sall salutte the Queene and Dolpin.

"Thairafter yow are to salute the Cardinall and deliver our letters to him and expresse how sensible this kingdome is of his former favors to our countreymen, and how hielie they esteeme thairof, and how desyrous they are to conserve the same.

"1. You are to endeavor be all faire wayes to have the antient

priviledges of the subjects of this kingdome in France ratified and renewed, and that no edict given out in France against strangers in tyme comeing sall thare militat aganis Scotsmen, since they are naturalized Frenshmen. Miscellaneous Papers.

"2. Yow sall also endevor that the troupe of gensdarmes be restored to thair former priviledges according to the primitive institution thairof.

"3. The same demand to be made first for the companye guard de corps.

"4. That the regiment of guard under the Earle of Irwing be enterteaned according to the tenor of the capitulation and may be presentlie entered in possession of the regiments of guards and labour for what other particulars can be obteand for advancement of that regiment.

"That the merchants, etc.

"You sall lykewayes wrge that the Marquis of Hamilton may be restored to the possession of the Duchie of Chattelerault with the honor and dignitie thairof according to the patent and rights made to his predicessors thairupon.

"When recrues sall be desyred frome this kingdome to these three regiments of guards, yow sall declare frome us that they sall [have] libertie of leveying therof in this kingdome, and the best assistance of this kingdome for that effect, and farder sall grant suche other leveyes as they sall desyre.

"Yow sall signifie that, according to our former alliances, all Frenshe men sall have the same libertie and priviledges in this kingdome as Scots men have, unless the condition of this kingdome be suche as cannot permit the same.

"Yow sall use all diligence for a speedie dispatche of this bussines, and for your returne home, and in the meanetyme you ar to give frequent advertisments to the Kings Majestie, the Scots Secretarie and to the Councell of Scotland of your proceedings.

"Most—

"Since your Majestie hes beene gratiouslie pleased to expresse your willingnes to have all your subjects of this kingdome restored to these priviledges formerlie enjoyed be thame in France and have authorized us to appoynt some to treatt with suche as sall be appoynted be the Frensh King thairanent, wee have conceaved ourselfes bund in dutie to embrace the present occasion in going about this bussines, so muche tending to the credit of this kingdome and good of the subjects thairof, and have made choise of this bearer, the Earl of Louthian, one of our number, to treatt heerin, as will more fullie appeare be his commission and Instructions to be shawin to your Majestie; and doe humblie recommend him to your Majesties favorable acceptance, being confident your Majestie will" . . . [Unfinished].

[2nd December 1642.]

Instructions to the Earl of Lothian.

234. Draft paper of the Instructions given to William, Earl of Lothian, embodied in the immediately preceding paper.

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235. Supplication by Alexander, Lord Saltoun, as follows:—There are two prisoners detained, one in the tolbooth of Edinburgh and the other in the tolbooth of the Canongate, for some wrongous arrestments, viz., John Wilson in the tolbooth of the Canongate by Robert Arbuckell, upon a pretended arrestment, although he owes him nothing, and by James Younger for nine score pounds, for which he has eight pound weight of silk garters worth twelve score pounds, and lastly by William Grahame for a small debt; and the other prisoner, Richard Lawder, is kept by John Riddell in the tolbooth of Edinburgh for a hundred merks for procuring his remission; and "both thir persons ar poore miserable bodeis unable to pay anie soumes, but ar like to sterve in waird and would willinglie goe with me to the Frenche warres where they may be serviceable, whereas in this prissoun they can doe no good to themselves nor to anie others." He craves summons ordaining the provost and bailies of Edinburgh and bailies of the Canongate to liberate these prisoners and deliver them to him for the service forsaid. [On the back] "*Apud* Edinburgh, *quinto Decembris*, 1642. *Fiat summonitio ut petitur.* (Signed) J. CARMICHAELL. Also execution by Thomas Allane, messenger, on 5th December, 1642, against Robert Arbuicklles, William Grame, John Redell and James Yownger, all personally apprehended in Edinburgh, for their compearance before the Lords of Council; witnesses, William Henresone, messenger, and William Lindsay, post in Edinburgh. (Signed) Thomas Allane, messr. 5th December 1642. Supplication by Alexander Lord Saltoun, for the liberation of two prisoners from ward that they may serve in the French wars.

236. Summons at the instance of Mr Andrew Ramsay, minister at Edinburgh, and others, creditors of the Laird of Westnisbet against Lady Westnisbet, to compear before the Lords at Edinburgh on December instant; as in complaint narrated *ante*, p. 366. The summons is dated at Edinburgh, 6th December, 1642, and signed ARCH. PRIMROSE, Cler. S. Cons. On the back there is a draft of the decreet in the case. 6th December 1642. Summons at the instance of Mr. Andrew Ramsay, minister at Edinburgh, and others against Lady Westnisbet.

237. Summons at the instance of Dame Katharine Swintoun, Lady Wes[tnisbet], narrating that her husband's creditors, in the name of William Monteth of Caribber, who is one of them, intend to charge her upon letters of treason to surrender her house of Rummiltounlaw, and this, she represents, will be very hard upon her, as not only did her husband receive 20,000 merks of tocher with her, but not many years since, on her brother's death, he received other 80,000 merks, with which he purchased the house and lands of Rummiltounlaw in which she is infeft. She is thus the most considerable creditor of her husband and ought to be preferred. Moreover, she has no other house to remain in but this of Rummiltounlaw so dearly acquired by her own means; "nather can it consist with equitie and conscience that for her husbands miscariage, quhairof she is innocent, she sall be turned out of doores and stripped naiked of a roume to dwell in or of meanes to live by," 6th December 1642. Summons at the instance of Dame Katharine Swinton, Lady Westnisbet, against William Monteith of Caribber, who has charged her upon letters of treason to surrender her house of Rummiltoun Law.

especially seeing the creditors are in possession of her husband's whole estate and may also have possession of his house of West Nisbet. Charge is hereby given to the said William Monteth to compear before the Lords at Edinburgh on 17th January next and see the said letters suspended; and meanwhile the Lords suspend the same in so far as concerns the house of Rummiltounlaw till 20th January. The summons is dated at Edinburgh, 6th December, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is noted, "20 December, 1652, Suspender be Swinton; charger personallie, with the remanent creditors. The Lords recommends to the Earle of Southesk and Lord Register to setle the parties.

"27 December, 1642; *presentibus ut supra;* The Lords finds the letters orderlie proceedit, notwithstanding of the suspension and reasons thairin conteand, quhilks the Lords finds not to be relevant to suspend the charge."

On the back are noted two executions by James Graham, messenger, on 14th December, 1642, (1) against the said William Monteith, personally apprehended; witnesses, John Strattoun, younger, writer in Edinburgh, and William Law, notary; and (2) against James [torn] herald, at his dwelling house in Edinburgh; witnesses, William Law, notary, and James Woid, servitor to Lady Westnisbet.

6th December 1642. Copy of foregoing summons.

238. Copy of the foregoing summons directed to George Stewart, Kintyre pursuivant.

9th December 1642. Summons at the instance of John, Viscount of Dudhope, and others against the magistrates of Dundee.

239. Summons at the instance of John, Viscount of Duddop, Lord Scrimseour, James, Master of Duddop, and others, against the provost and bailies of Dundie, and others in the action narrated *ante*, p. 376; dated at Edinburgh, 9th December, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. With note on the margin of a compearance of the 12th January, 1643, of the pursuers by the Master of Duddop, and the defenders by , who alleged that the not opening of the ports and keeping of the keys was not violence, but only a civil interruption of a disputed possession; and that the imprisonment of the customar was for his reviling of the magistrates. The pursuer replied that, as he was in possession of the right of judging all complaints in that town during the time of the fair, the defenders committed a riot. The defenders justified their stopping the quarry, and produced a disclaimer from the tenants of any complaint for their having been fined. The Lords find the complaints relevant and remit the same to probation. On the back there is noted, "Discuss 20: Refer 8. The persewers referrit that part of the complaint anent the impresoning of the customer to the oath of Robert Davidson, bailie and defender: And gives commission to Mar, Southesk, Weemes, Lord Yester, or anie tua of thame to examine the witnesses."

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240. "We undirsubscryveris be thir presentis gives our full power and commissioun to Thomas Hay of Park, and , our procuratoris, conjunctlie and severallie, to compeir befoir the Lords of Privie Cunsell and Sessioun at Edinburgh and there call, follow and persew the proveist, bailyies and counsell and utheris of the towne of Wigtoun for certane great wrongis and oppressioun done be the said towne to us, and be thir presentis to prosecute and follow and persew the said towne conforme to the letters of complaint raisit at the instance of Johne Baillie in Ballinglach, Johne Stewart thair, and Thomas Hay of Park, into the quhilk letters and haill complaint thairin conteined we joyne and be thir presentis joynis; with full power to the said Thomas Hay to do everie thing incumbent that is knowen to the office of a procuratour to appertene, quhilk we micht do ourselfs give [we] wer present; haldand and for to hald firme and stable, etc. In witnes quhairof subscryvit with our hands at the Park, Logane and Garthland, the tent, elevinth and xiij day of December j^{m}vj^{c} fourtie twa yeiris. (Signed) A. Logane; W. French, younger; Killaster; Qwentin . . . [torn] · ; James Tod; H. Kennedy of Symones; J. Garthland; Johne Stewart."

10th–13th December 1642. Commission by A. Logan and others to their procurators to pursue at law the magistrates of Wigtown for certain wrongs done to the pursuers.

241. "To the Right Honorabill the Lordes of his Majesties Privie Counsall, We, Alexander Mackenzie of Coull, Maister Thomas Mackenzie of Innerlawell, Mr Colin McKenzie, minister at Contin, William Mackintoschie of Kellachie, Hector Makintoschie of Connatge, undersubscryvand, doe testifie and declair that William Mackintoschie of Torcastell did, upon the tuentie nynth day of October, j^{m}vj^{c} fourtie and tua yeires, in presens of Robert Waus and James Abraham, notars publict, and sindrie famous witnesses, as also in presens of Angus Makdonald of Glengarrie and certane of his freinds, declaire that, notwithstanding the cruell and barbarous murther committed be the kinsmen, tennents and servants of the said Angus Mackdonald of Glengarrie at the ports of Innernes upon the fyfteinth day of August (being a Saboth), *anno* j^{m}vj^{c} fourtie ane yeires, on certan of the said William Makintoschie his kinsmen and servants, did deserve a moir rigorous and severe ordour, yet the said William Makintoschie (to testifie his peaceable disposition) was content and fully resolved that a freindly dealing should be takin betuixt the said Angus Mackdonald (then present) and him, for a full redres of that cruell and barbarous murther, and for all honorable and reasonable satisfactione should be givin to the said William Makintoschie and his freindes for the same; and to that effect was willing to submitt the same to certane nominate freindes on both syds (and ane owersman in caice of wariance), quhairto the said Angus Mackdonald at the beginning did (as appeired) most willingly condiscend and offered himself to be burden taker for the said rebells in a friendly submissione, he being thairto tyed be your Lordships sentence pronunced against him the third of December, j^{m}vj^{c} fourtie ane yeiris, quhairby he

11th December 1642. Letter to the Council narrating that Angus M'Donald of Glengarry in his meeting with William M'Intosh of Torcastle had refused to give reasonable satisfaction. See *ante*, p. 561.

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was found lyable for exhibitione of thes his said men, tennents and servants (now rebells) to justice. But therafter the said Angus Mackdonald (notwithstanding his former condescendance be comuning) did (as seemed to us) kyth his unwilling dispositione to a freindly agrement, and that he did com ther but only for a showe of obedience to your Lordships ordinance at his releasment from prisone, by refuising absolutly to tak burden in a freindly submissione for his said men, tennents and servants, rebells, but only that the rebells should tak burden on for another and the said Angus for himself and his owne intres alleanerly, quhilk the said William Makintoschie and his freindes did fynd altogither contrarie to the meining of your Lordships ordinance, both discredible for him to embrace, and a casting loose of your Lordships decreit, quherbe the said Angus is alreaddie lyable for thes rebells; and therfor took instruments quher all reasonable conditiones wer refuised be the said Angus, as the samyn at moir lenth it will testifie. As lykwayes, quhair the saids rebells with a great convocatione in manifest contempt of authoritie, and evill example to his Highnes leedges, in most barbarous and hostill maner com neir the ports of Innernes vith blowin pypes, bowes, gunnes, and other offensive wapons, quhair they lay in ambush during the haill tyme of the said meiting betuixt the said William McIntoschie of Torcastell and Angus McDonald. And this we declaire to be of weritie be thir presents subscryvit with our handes at Kessock, the allevint day and at Coule the forsaid day off December j^{m}vj^{c} fourtie tuo yeirs. (Signed) Alex^{r}. Makenzie of Cowll testiffies; Tho: Mackenzie testifies thes premisses; Mr R. McKenzie, minister at Contan, testefeis the premisses; Williame MackIntosch off Kellaichie testifies the premisses; Hector Mackintosche of Connadge testifies the premisses."

12th December 1642. Supplication by Matthew Wilson and others for summons against Andrew Kerr, bailie of Roxburgh, and Captain Robert Towers, who have imprisoned them in the tolbooth of the Canongate with the intention of sending them to the French wars.

242. Supplication by Matthew Villsoone, traveller at Stokstruther, William Davidson, John Curle, Andrew Maine, John Schairp, and John Forborne, weaver there, as follows:—Andrew Kerr, bailie of Roxburgh, has without authority taken and apprehended them from their own dwelling houses to the burgh of Edinburgh and imprisoned them in the tolbooth of the Canongate "of purpois and intensione, as we ar informeit, to send us to the Frenche veires vith Capitane Towres, we never haweing taikin on or resaweit money for that effect, and being his Majestes frie liedgeis travelling and labowring for our leveing and mentinance of our poore vyffis and chilldring, quha ar now be our absence lyk to starve; and seing thair is no sick opressione alowit as to inforce and compell anay of his Majesties lidgeis to go to varres owt of the kingdom contrar to ther will, not haweing taikin on nor resaveit ther monyeis"; they therefore crave summons against the said Andrew Kerr and Captain Robert Towres, for his interest, for their compearance and the production of the supplicants before their Lordships that they may be put to liberty. [On the back] "At Edinburgh, 12 December, 1642. Ordans the parties

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within compleaned upon to be warnit to compeir the day of to ansuer, under the paine of rebellion, etc. (Signed) LOUDOUN, Can^llrius, I.P.D."

243. Note of execution on 12th December, 1642, by John Purves, messenger, of a summons at the instance of Mr Andrew Ramsay, Mr Robert MacGill, and William Monteithe, for themselves and the rest of the creditors of the Laird of West Nisbett, against Dame Katherine Swyntoun, Lady of West Nisbet, personally apprehended in Rummiltoun Law; and, as she would not receive a copy of the summons to compear before the Council on 20th December, it was left affixed to the lock of the gate thereof; witnesses, William Anckim in Kelso, John Lowrie and Robert Swyntoun, servitor to the said lady.

12th December 1642. Note of execution at the instance of Mr. Andrew Ramsay and others against Dame Katherine Livingstone, Lady of West Nisbet.

244. Supplication by David Home, sometime servitor to the deceased Sir David Home of North Bervick, as follows:—Their Lordships know perfectly how he has been kept prisoner in the tolbooth of Edinburgh by Sir William Dick of Braid since the month of March last upon several causes till lately that he was released, and how there was some motion made for a modification for his charges. His losses have hereby been very great, and he is almost brought to poverty, so that without this modification he cannot live. He craves that Sir William may be cited hereupon to compear on 13th December instant. [On the back] "*Apud* Edinburgh, 13 December, 1642. *Fiat summonitio ut petitur.* A. GIBSONE, Durie." Also Note of execution on 13th December, 1642, by William Mowat, messenger, against Sir William Dik; witnesses, Mr Andrew Dick, and John Thomsoun, messenger. On the margin is noted—"13 December, 1642, persewer personallie, defender be Mr Androw Dick, his sone. Remits to the discretion of the defender, and recommends to the Lord Register to deal with the defender to give the persewer satisfaction."

13th December 1642. Supplication by David Home, sometime servitor to the deceased Sir David Home of North Berwick, for summons against Sir William Dick of Braid.

245. Summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Thomas Ord in Ba . . . [torn] . . and Chalmers, his brother-in-law, as follows:—In contravention of the law forbidding the bearing of hagbuts and pistols and convocation of the lieges in arms, on 24th August last, when diverse gentlemen were convened for the burial of Margaret Me . . . , mother of the said Thomas, and were being kindly entertained in the house of , where she had died, and which was in the possession of the complainers, Mr Andrew Hay in Rannes, William Ord of Finachtie, William Hay of . . . , Alexander Adamsone of Little Crannache, James Mane, William Abernethie, James We . . . , to the number of fifteen persons, armed with two-handed swords, guns, pistols and other weapons, came to the said house, violently thrust the complainers out of it, and still retain possession thereof. Further on 24th November thereafter the said William

13th December 1642. Summons at the instance of Thomas Ord against Mr. Andrew Hay in Rannes and others for assault and injury done to the supplicant's property.

Ord, Mr James Hay of . . . , William Forsyth, his servant, Mr Andrew Hay of Westerside and , his servant, came to the house of John Kellie in Bamff for the purpose of taking the life of the said Thomas Ord, "stogged the beds and rypped all the corners of the hous for him, and being disappointed they went straight on horsback to the said Thomas his hous in Bauchlaw, who, being casting . . . bear stack and perceaving them comming, fled to his hous and ramforced the same, whereat they all surrounded the hous, crying to make open doores, ellis they would ding the same up and take his life if he did not deliver a band of three thousand merkes made be the Erle of Fin[later]; and with that discharged thair gunnes and pistols at the windowes, fired the hous, and the haire of the compleanners head, shott a bullet over the same, and had burnt the hous if his servants had not quicklie preveenned; and by the great noise of the shotts they affrighted his oxin, as they runne away out of the pleuche, and his wife, being great with child, is still in great hazard of her life." Command is given to charge these persons to compear before the the Council at Edinburgh on to answer hereto; and also to cite as witnesses. The summons is dated at Edinburgh, 13th December, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. Miscellaneous Papers.

14th December 1642. Letter from the Earl of Lindsay anent the payment of the troops in Ireland.

246. "Right Honorable, the Treatie concerning the Irish expedition hes not yett beene signed by his Majestie. Nevertheles, for the Lord Generalls better satisfaction, I have sent him ane perfite copie of the articles thairof, which the Parliament (who are the paymasters), according to the orders of both houses, have allowed and are bound to observe in everie particular. The present condition of effaires heir and the great charge the Parliament is at in manteaning thair awne armie (wherin they think thameselves most interessed and concerned) togither with the defect of perfite mustour rolls, wherby I may know what is dew to our armie, and accordinglie demand the same, are and have beene great impediments to the full and timelie payment of that armie; and although I have often and seriouslie pressed the same, yitt all that I have or could obteane for the present is a promise of seven or eight thousand pund within a day or two, whilk I intend (so soone as I ressave it) to send presentlie to the armie in regard of thair great necessities, and pay James Stewart with the nixt moneyes that I receive, whilk I hope will be verie shortlie. I have ressaved by orders of both Houses of Parliament this declaration to be sent to your Lordships whilk I did shaw to his Majestie at Reddin, bot be reasone of the interruptions of the merchant pacquett I could not send it sooner to your Lordships. The Parliament hes this day ordered that all letters comeing from your Lordships hither or to Court or back to your Lordships, as also the weeklie merchant pacquett, shall passe without stop or searche, whilk I intend to send to his Majestie with all diligence that the lyke may be past by him, and thereafter I shall cause it be intimate to both

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armies in the north. As in everie other thing I shall be carefull to approve myself, your Lordships most humble servant. (Signed) LINDESAY. London, 14th Decembris, 1642. The Parliament, in regard of thair scarcetie of moneyes, are content to furnish our armie either with cloth or cloths alreadie made, eache complete sute being estimat to five and thirtie shillings, wherin I humblie crave your Lordships direction." [Addressed on back] "To the Right Honorabill the Lord Chancellour and remanent Lords of his Majesties Privie Councell of Scotland, in Edinburgh."

15th December 1642. Summons at the instance of the magistrates of Edinburgh and other towns in East and West Lothian against certain coal-owners within the said bounds who sell their coal at an exorbitant price.

247. Summons at the instance of the magistrates of Edinburgh, Hadintoun, Mussilburgh, Dalkeith, and other towns, and the "inhabitants of East and Mid Lothiane, narrating that, notwithstanding certain acts of Parliament made for preventing the scarcity of coal, which is a thing without which the complainers cannot live, wanting all other fuel, some tacksmen of coalheughs within the said bounds have of late, out of an avaricious disposition as for their own advantage, defrauded them of their coal. For they "caus waist and ryve up the ground to gett great and hudge quantiteis of coale which they sell to strangers in such sort that not onlie ar our lieges postpouned to these strangers and forced to pay exorbitant prices, bot also the saids coale heuches in short time will be consumed and spent to the remedilesse detriment of the countrie," if the exportation thereof be not restrained. Charge is therefore to be given to the following masters of the coal heughs and tacksmen thereof, viz., to compear before the Council on to see this exportation discharged. The summons is dated at Edinburgh, 15th December, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is noted, "20 December, 1642; parties personallie: The Lords recommends to Lauderdail, Southesk and Dundas and Wauchtoun, or anie twa of thame, to heere the parties and to report.

22 December, 1642; The Lords recommends to Sir Robert Drummond of Medop and Elphinston of Selmis, to pas and take a survey of the coale of Elphinstoun and in what condition the same is."

On the back there is a note of execution of the summons on 17th December, 1642, by Mr John Henrysone, macer, against Sir John Johnstoun of Elphingstoun, knight, James Dishingtoun in the toun of Elphingstoun, Alexander Sympsone in the Crocehous of Elphinstoun, Robert Greirsoune in Prestounpannes, John Aikman, merchant burgess of Edinburgh, Robert Cokburne of Butterdeane, Robert Hamiltoun, lawful son of Sir John Hamiltoun of Prestoun, and Captain Thomas Hamiltoun, lawful son of Robert Hamiltoun, bailie there, all personally apprehended, to compear before the Council on 20th December; witnesses, James Hamiltoun, sailor at Prestounpannes, Patrick Spence there, Alexander Harvie, writer, James Twedy in Prestoun, Thomas Hunter, and John Manderstoun.

15th December 1642. John Forbes of Leslie and the Laird of Pitfoddels.

248. Part of the decreet by the Lords of Council directing John Forbes of Leslie to find caution to the Laird of Pitfoddells for his indemnity—noted *ante*, p. 357.

15th (?) December 1642. Appointment of sheriff-deputes.

249. "In presence of Southesk and Clerk Register. A gift under the previe seale to Mr William Wallace to be shireff deput of Edinburgh with power to him to use and exerce the office of sheriff deput with all power, priviledge and benefit belonging to the office of shireff deput in general, without anie particular clause except dischargeing all other shireff deputs. Another of the same tenor to James Peirsoun for the shireffdome of Forfar. [The whole of the above scored through as if deleted.]

Also sederunt of 3rd and 5th January, 1643, as printed *ante*, pp. 369, 370.

16th December 1642. Note of execution of summons at the instance of Thomas Hay of Park and others against the magistrates of Wigtown.

250. Note of execution on 16th December, 1642, by G . . . Nisbit, messenger, of the summons in the complaint by his Majesty's Advocate, and Thomas Hay of Park and others, against the magistrates of Wigtoun, viz., John Murdoch and Patrick Coultrane, . . . Hannay, bailie there, John Cunynghame, provost there, John Murdoch . . . [torn] . . Alexander McKie, late bailie there, . . Patrick Calbreth, messenger there, Finlay Crakane, Archibald Blane, Gilbert Fraser . . . William Clugistoun, Patrick Blane, John Fraser, John McKeane, Roger McCrosch . . , . . Reid, John Keath, John Sproul, Patrick Stenhous, and John McQuharg, burgesses of . . . , Adam McKie, notary there, John Dunbar, notary, elder there, and Alexander Fraser, notary there, to compear before the Council at Edinburgh, on 27th December next, these being charged either personally or at their dwelling houses; and also at the market cross of the said burgh; witnesses . . . Thomas McKie of Drumtoun, John McQuharg, . . .

17th December 1642. Instrument by Hew Fraser of Lovat and others attesting that Angus M'Donald, apparent of Glengarry, had offered reasonable satisfaction to William M'Intosh, his kin, and friends. See *ante*, p. 575.

251. "To the Right Honorable the Lords off his Majesties Priewie Cownsell, We, Hew Fraser, Master off Lowatt, Sir Johne McKenzie off Tarbatt, knight barronitt, Thomas Fraser of Streachine, and Williame Freaser of Cowlbokie, wndersubscrywand, be thir presents doe testifie and declair that Angus McDonald, appeirand off Gleangarrie, oye to Donald McAnguis of Gleangarrie, did wpoune the tuentie nynt day off October j^{m}vj^{c} and fortie tua yeirs, and also in presens of the Laird of McIntoisiche and certen of his freinds and in presens of certen wthers of the honorable freinds of the said Anguis McDonald, declair that foirsameikill as the said Angus McDonald, who was ane long tyme incassarat withine the Castell of Edinburgh and therafter for ane long speace confynd within the towne of Edinburgh for not finding cawtioune for the slaghter committed be certaine of the said Anguis his freinds and kinsmen at Inwernes, the fyfteine day of August, j^{m}vj^{c} and forttie ane yeirs, of certaine of the said Williame McIntoisiche his kin and freinds, was be your Lordships and out of your Lordships wyse and guid

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consideratioune releisched from his prisoune and confynment in the monethe of last bypast wpoune cawtione to compeir befoir your Lordships wpone the first day off Januarie nixt to come to the effect the said Anguis betuixt the day of his compeirance might repair home to his owine cuntrey and cawse all honorable and reasonable satisfactione and redres for the said slaighter to be gewin to the wttermost of his power to the said William McIntoisiche and his freinds; thairfoir the said Angus McDonald, for giwin all obedience and to certifie his reverend regaird and heimble respect to your Lordships desyre, did meit at the towne of Inwernes the said day, accompanied withe us and certaine wthers of his honorable freinds, his arbritratours, who war present, and thair mead offer to the said Laird McIntoisiche in presens of his honorable freinds, viz., William McIntoisiche of Keallachie, and Mr Thomas McKenzie of Inwerlaall, his arbritratours, who war also present at the accomadatioune following and conditiounes efter meantionat, for giwing full satisfactioune to the said Laird McIntoisiche and his freinds for the said slaighter, viz., the said Laird McIntoisiche, hawing choosine certaine of his freinds to whom the said maitter suld hawe bein submitted for his pairt, viz., Robert Ferquarsoune off Inwercald, William McIntoisiche, and Mr Thomas McKenzie, and the said Anguis McDonald hes chosine us as freinds abone specefied, and the said Laird McIntoisiche hawing the choose of the owersman incaice of wariance of the freinds refferrit to himselff, and he having choosine the Laird of Pluscarden to be owersman, whairunto the said Angus McDonald, in testimonie of his peacable dispositioune and full resolutioune to see all reasonable satisfactioune giwin, concordit and agreed, the said Anguis McDonald was content to submitt himselff and his owin entres, and also the said Anguis declairit that Johne McDonald of Innergarre, Johne McDonald, yownger, portioner of Slisgarowe, and Alexander McDonald of Cullechie alleadgit committouris of the said slaighter war content to submitt for them selffs and thair compleses to the said judges, arbritratoure and owersman abone named, and to obtemper thair decreit. Lykas the same was offerred in thair names be the said arbritratours choisine for thame and for the pairt of the said Anguis, and also the said Anguis McDonald, for the forder testimonie of his willingness and forward dispositioune to the said agreament, becawse it was alleadged that the saids persounes, alleadged committeris of the said slaighter war unlegall, mead offer of certaine and leagall geantill men, barrounes, who suld become cawtioneris for the said alleadgit committouris of the said slaighter, for fullfilling of thair pairt of the said decreit to have bein pronunced be the said frends and owersman in the said matter; Lykas also the said Anguis McDonald, resolwing to leawe no reasonable conditiounes oneoffert for taiking away of the said questioune abonewryttine (albeit it be notarlye knowine that he was innocent of the said slaighter), was content and did offer to ingage himselff as cawtioner for quhat assythment and satisfactioune suld be imposed be the said freinds and owersman, to the

said Laird M°Intoisiche and his freinds; quhilk haill offers was alluterlye refuised be the said Laird M°Intoisiche and his freinds, as awthentick instruments taikine thairwpoune be the said Anguis M°Donald wpoune the said refuisalls at mair leanthe will testifie. And this we doe declair to be of weritie and to hawe bein reallie done, and offers be the said Anguis M°Donald and ws and the remanent of his freinds to the said Laird M°Intoisiche and his freinds and was refuised be the said Laird M°Intoisiche and his freinds, be thir presentts subscrywed withe our hands at Lowatt, the seawinteine of December, j^m^vj^c^ forttie and tua yeiris. (Signed) M. H. Fraser testefeis the premisses; S. J. M°Kenzie testifeis the premissis; T. F. Streychine testifeis the premisse; W. Fraser off Culboky testefeis thir premisses."

[On the back] " Producit be Glengarrie."

17th December 1642. Johnston, younger of Barclay, and Alexander Keith of Kirktounhill.

252. Summons in action against Johnestoun, younger of Barclay, and Alexander Keith of Kirktounhill, narrated *ante*, p. 368, dated 17th December, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.; with note of finding on the margin.

19th December 1642. Summons at the instance of John Young in Ros Mill and Alexander Rauff at the Kirk of Mernes against Robert Wodrow, notary in the Hill, and others.

253. Summons at the instance of John Young in Ros Milne and Alexander Rauff at the kirk of Mernes, narrating that they were charged at the instance of Robert Widdrow, notary in the Hill, for payment of 100 merks with interest and expenses, but suspended the charge on 22nd July last until the 2nd November thereafter, and intimated the same to the said Robert; who, notwithstanding, accompanied by John Warnock, messenger, Matthew Younger, John Reid in Wodhill and Walter Reid in , come to the said Alexander Rauff's house and took away a mare worth 100 merks and other goods; and further, on , the said Robert and the said messenger, William Law, Arthur Davidsone, John Smith and came to the said Alexander's house, and took away a mare and certain other goods; wherefore charge is given to command the persons complained upon to compear before the Council on ; and also to charge to compear as witnesses. The summons is dated 19th December, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.

19th December 1642. Supplication by John Wilson, prisoner in the tolbooth of the Canongate, either that an allowance be granted him by his incarcerator or that he be allowed to serve under Lord Saltoun in France.

254. Supplication by John Wilsone, prisoner in the tolbooth of the Cannogait, as follows:—He was arrested and imprisoned at the instance of William Grahame, James Younger, and Robert Arbuckell, " for small or verie meane causes, and having undertane to goe to France with the Lord Saltoun," being unable to maintain himself in ward, he cited his incarcerators before the Council for obtaining his liberty. On appearing, they affirmed that the supplicant was able to maintain himself, but their Lordships will see the contrary by a certificate under the hand of the bailies of the Cannogait and the Laird of Caskieben, who was a fellow prisoner, and by whose charity alone his life has been preserved. He craves that they may be cited either to grant him an allowance or

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consent to his liberation, and the said bailies to produce him on December. [On the back] "*Apud* Edinburgh, 19 *Decembris*, 1642. *Fiat ut petitur.* J. CARMICHAEL." Also note of execution on 19th December, 1642, by Thomas Allane, messenger, against the said William Grahame, James Younger, and Robert Arbuckles, personally apprehended; witnesses, John Heart, elder, messenger in Edinburgh, and Alexander McBrek, notary. On the margin is noted, "24 December, 1642; persewar personallie; defenders personallie. The persewer made faith that he had no meanes at all, and wes content to subscryve ane full assignatioun to the defenders of all he had. In respect quhairof the Lords ordains him to be putt to libertie if the defenders do not enterteane him. The defenders acted thame selfes to pay 4s. daylie and to begin this day, quhairin if they failyed more nor a week togidder, they were content he sould be putt to libertie."

19th December 1642. Summons at the instance of Alexander Alschunder and William Anderson against Margaret Sinclair and William Bruce, her husband.

255. Summons at the instance of Alexander Alschunder and William Anderson against Margaret Sinclair and William Bruce, her husband, in the action narrated *ante*, p. 368; dated at Edinburgh, 19th December, 1642, and signed ARCH. PRIMROSE, Cler. S. Cons. On the margin is noted the Lords' finding in the case; and on the back an execution by Patrick Andersone, messenger, on 27th December, 1642, against the said Margaret Sinclair and William Bruce, both personally apprehended; and also George Craufurd, cordiner, burgess of Edinburgh; Andrew Malloch, baker in Potterrow; James Storie, tailor there; Henry Ballantyne, one of the bailies of the Cannogait; James Symsone and Patrick Smetoun, bakers there, all personally apprehended, as witnesses in the case, to compear before the Council on 29th December at Edinburgh; witnesses, William Lindsay, post in Edinburgh; William Boog, servitor to William Bruce; Donald McKinnon, baker in Potterrow, and Robert Malcome, burgess of the Cannogait.

20th December 1642. Letter desiring that their property may be restored to two ministers who have suffered in the Irish Rebellion.

256. "Our very good Lords, Wee send yow heere inclosed a petition of severall inhabitants of the cittie of Dublin presented unto us, concerning whom wee certifie to your Lordships that they are his Majesties good subjects of the reformed Protestant religion, and of them the two first named petitioners are knowen unto us to bee both able and painefull ministers of the gospell Wee, therfore, out of tender regard of their great losses, have thought fitt to recomend them and their petition to your Lordships, desiring your Lordships to take such order as that the petitioners may have their goods, bookes and other howsehold stuffe fully delivered unto their agent whom they shall imploy to receive them, and soe wee remaine, from his Majesties Castle of Dublin, xx° *Decembris*, 1642, your Lordships very assured loving frendis, (Signed) WM. PARSONS, JO: BORLASE, ORMONDE, EDW. BRABAZON, AD. LOFTUS, J. TEMPLE, ROB. MEREDITH.

[Addressed] "To the right honourable our very good Lords, the Lord

Chancellor and the rest of the Lords of His Majesties most honourable Privy Councell in the kingdome of Scotland." Miscellaneous Papers.

21st December 1642. Matthew Wilson and John Thorburn against Captain Robert Towres.

257. Note of execution on 21st December, 1642, by John Oliver, elder, messenger, of a summons at the instance of Matthew Wilsone and John Thorburne, against Captain Robert Towres, personally in the Cannogaitt, to compear before the Council; witnesses, Robert Ker of Greinheid and Robert Symentoun, indweller in Edinburgh.

22nd December 1642. Donald M'Leod of Assynt.

258. Original extract of the discharge by Donald McCleud of Assint, recorded in the books of Council on 22nd December, 1642; with notes at the foot of the order for registration and protestation made. *See* p. 364.

22nd December 1642. Notes of executions of summons against Robert Wodrow, notary in Hill, and others.

259. Notes of two executions on 22nd December, 1642, by William Stevin, messenger, of summons (No. 253 *supra*) against (1) Robert Widrow, notary in Hill, and John Warnock, messenger in Curmonok, at their respective dwelling houses; witnesses, James Rauff at the kirk of Mernes, and Robert Mungumrie, servant to Alexander Rauff; and (2) Alexander Davidsoune in Bredlat, Matthew Young in Windieend, John Reid there, William Law in Waterfit, Arthur Davidsoune in Burnehous, and Walter Reid in Curmunokstoune, personally, and at their several dwelling places to compear as witnesses in this cause; witnesses as above.

23rd December 1642. Summons at the instance of Alexander Strachan of Glenkindie against Patrick Gordon of Inverbucket, and others for attacking the place of Glenkindie.

260. Summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Alexander Strauchane of Glenkindie, as follows:—In violation of the law prohibiting the wearing of hagbuts and pistols, on October, 1641, Patrick Gordon of Inverbuchet, James Gordone his brother, David Tyrie of Balnaglack [Mr Andrew Ker, minister of Glenbuchet[1]] and others, to the number of persons, armed with hagbuts, pistols and other weapons, came under cloud and silence of night to the place of Glenkindie during the absence of the complainer, and, the gates being closed, "they used manie provoking speeches aganis the gentlemen in the hous, who being irritat thereby would have come furth, but the compleanners wife did hyde the key. Whereupon the said Patrik Gordoun discharged ane hacquebut at the galrie window where she wes speeking with them so as the bullets lighted within half ane elne to her." Further, in June last the said persons came armed as above before the complainer's house, "shot thereat with gunnes, raid throw his cornes and spoyled the same. These persons are hereby charged to appear before the Council on 23rd February next. The summons is dated at Edinburgh, 23rd December, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin there is noted, "23 Februar, 1643; parties personallie. Ordans Fin-

[1] This name deleted.

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later to examin the tua witness, and in respect the minister wes summoned as a partie and then scraipt out of the letters to be made use of as a witnes, the Lords ordans the persewer to pay him 40 merks for his expenses, and finds he cannot be a witnes, being summondit as a partie."

261. Note of execution by Thomas Coutis, messenger, of the above summons against Mr Andrew Kar, minister at Glenbuchet, to compear before the Council on 23rd February and answer to the complaint against him, viz., "the cuming to the said Allexander Strachan of Glenkindie his dualling house of Glenkindie under silence of the nicht and your compleissis in ane inhumaen forme with hagbuts, pistols and all wther sort of armes, and frusching at the yet and uttering outrageous speiches, and manassing the said Allexanders wyiff and servandis and schuiting of ane hagbit at thame"; and that under pain of horning.

23rd December 1642. Note of execution of the above summons.

262. Extract decreet in the action at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Baillie in Ballinglach and John Stewart there, tenants to Thomas Hay of Park, and others, against the provost and bailies of Wigtoun and others as narrated *ante*, p. 367; dated at Edinburgh, 27th December, 1642, and signed "*Per actum Secreti Consilii*, ARCH, PRIMEROSE, Cler. S. Cons. On the margin there is noted, "19th January, 1643. Hay of Parke personallie, who produced the letters of horning and compeired in name of the persewers; defenders personalie except the , who answered that they apprehended the tua compleanners be vertew of letters of caption, etc., as narrated *ante*, p. 367. There is noted also at the foot the depositions of the witnesses, as follows:—

27th December 1642. Extract decreet in the action at the instance of John Baillie in Ballinglach and John Stewart there, tenants to Thomas Hay of Park, against the magistrates of Wigtown.

"Johne Murdoch, younger, sworne, depons he had a pistoll be his side at the taking of the rebell, and that he wes tane on Moonday about six houres in the morning, and drew no sword.

"Patrik Blaine, sworne, depons he had no pistolls; and *conformis* anent the time of taking the rebell and did no violence.

"Archibald Blaine, sworne, depons he had no gwnes nor pistolls, and that the time wes tane wes about 4 hours on Moonday.

"Patrik Galbraith, messinger, sworne, depons he wes not there at all."

"Roger McCroshrie, sworne, depons he wes not there at all.

"Patrik Hannay, baillie, sworne, depons he wes not there.

"Patrik Coultrane, sworne, depons he wes there and had a pistoll and drew no sword, and that they tooke the rebell in the morning.

"Adam McKie, messinger, sworne, depons he had no pistolls and *conformis precedenti* anent the time.

"Patrik Stenhous, sworne, depons he had no weapons but a sword, and *conformis* anent the time.

"Alexander Fraser, sworne, depons he had a sword and pistoll and no farther, and *conformis* in the time.

"Johne Clugstoun, sworne, depons he had a sword and no other, and *conformis* in the time. Miscellaneous Papers.

"William Clugstoun, sworne, depons he had a pistoll and tooke the rebell about 4 houris.

"Johne McEan, sworne, depons he had no pistoll, and *conformis* in the time.

"Gilbert Fraser, sworne, depons *conformis*.

"Alexander Reid, sworne, depons he had a sword and pistoll, and *conformis in ceteris*.

"Finlay McCrakan, sworne, depons he had nothing but a pistoll, and *conformis*.

"Johne Fraser, sworne, *conformis*.

"James Keith, sworne, depons *conformis*.

(Signed) J. BURGHLY, DUNDAS of that Ilk."

28th December 1642. Summons at the instance of John Murdoch and others for the town of Wigtown against John Baillie in Ballinglach.

263. Summons directed to James Grahame, messenger, at the instance of John Murdoch and others for the town of Wigtoun, against John Baillie in Ballinglach and others, as narrated *ante*, p. 367; dated at Edinburgh, 28th December, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. There is noted at the foot that this was produced at Edinburgh, on 19th January, 1643, by John Murdoch, younger, party, and registered in the books of Council conform to act of Parliament by Mr Alexander Kynneir, depute Clerk Register; and there is noted on the back that relaxation was given at the Cross on 29th December, 1642, the wand being given to William Robertsoune, notary, in name of the persons cited; witnesses, Thomas Stewart, sheriff clerk of Wigtoun, and John Dunbar of Mochrome: also that charge was given on penult December to Rychert Park personally in Edinburgh; witnesses, William Kennedy of Killespick and James Graham, messenger.

29th December 1642. Supplication by Thomas Johnston, servitor to John Robertson, cutler in Edinburgh, for summons against Robert Stirling, ensign to Lord Saltoun, and the bailies of the Canongate, for imprisonment in the tolbooth of the Canongate with intent to impress him for service in the French wars.

264. Supplication by Thomas Johnestoun, servitor to John Robertsone, cutler in Edinburgh, and the said John for his interest, as follows: On 21st December instant, Robert Stirline, ensign to the Lord Saltoun, apprehended and imprisoned the supplicant in the tolbooth of the Canongate for the French wars, "howbeit I never receaved his pey and am his Majesteis good subject and servant to me the said Johne, who have beene much prejudged for want of his service and can not gett another to serve in his place. This is ane oppression of dangerous consequence and deserves your Lordships best animadversion." They crave summons against Robert Stirline and the bailies of the Canongate for their interest for exhibition of the supplicant before their Lordships on 29th December instant, that he may be liberated. [On the back] "*Apud* Edinburgh, 29 *Decembris*, 1642. *Fiat summonitio ut petitur.* (Signed) J. CARMICHAELL." Also, execution by George Stewart, Kintyre pursuivant, on 29th December, 1642, against Robert Stirling, ensign, and Harry Kea, one of the bailies of the Canongate, both personally

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apprehended; witnesses, David Clerk, gunsmith, burgess of Edinburgh, Matthew Barrie, bailie officer, and James Davidsoun, jailor in the Canongate. (Signed) "G. Stewart, Kintyre pursevant."

265. Note of execution on 29th December, 1642, by George Gordoun, messenger, in the action by his Majesty's Advocate and John Baillie in Ballinglach, and others, against the bailies and some burgesses of Wigtoun, of letters of horning, whereby with three blasts of his horn he denounced John Murdoche, elder, late provost of Wigtoun, John Murdoche, younger, Patrick Hannay, Patrick Coltrane, Alexander M'Kie, William Dunbar, Patrick Galbraith, Finlay Crakan, Archibald and Patrick Blaine, John and Gilbert Fraser, John and William Clugstoune, John M'Keane, Roger M'Croschrie, Alexander Reid, John Keith, John Sprott, Patrick Stanhous, John M'Quharge, Adam M'Kie, elder, John Dunbar and Alexander Fraser, as parties, and John and William M'Guffock, and John M'Gawne, as witnesses, for their contempt and disobedience, his Majesty's rebels, and all their goods to be escheated and inbrought to his Majesty's use. This was done at the market cross of Edinburgh; witnesses, George Neill, William Mowat, and John Hart, younger, messengers in Edinburgh.

29th December 1642. Note of execution of horning in the action by John Baillie in Ballinglach and others against the magistrates of Wigtown.

266. Notes of executions by James Grahame, messenger, on 29th December, 1642, at the market cross of Edinburgh, where he duly relaxed John Murdoche, Patrick Coltrane and Patrick Ahannay, bailies, John Murdoche, elder, late provost, Alexander M'Kie, William Dumbar, Patrick Galbraith, Finlay Crackane, Archibald and Patrick Blaine, John and William Clugstoun, Gilbert and John Fraser, John M'Keane, Roger M'Croskerie, Alexander Reid, James Keith, John Sprot, Patrick Stenhous and John M'Quharg, burgesses of Wigtoun, Adam M'Kie, John Dunbar and Alexander Fraser, notaries there, from the process of horning, delivering the wand of peace in their names to William Robertsoune, writer in Edinburgh; witnesses, John Dumbar of Mochrum, and Thomas Stewart, sheriff clerk of Wigtoun. (2) On 30th December, 1642, by William Robertsone, messenger, against Thomas Hay of Park, personally apprehended in Edinburgh, to compear before the Council; witnesses, William Kennedy of Gillespie, and James Grahame, messenger.

29th-30th December 1642. Magistrates of Wigtown relaxed from horning.

267. Note of execution on penult December, 1642, by John Hendersone, messenger, against David Barclay, younger of Johnstoun, and Alexander Keith of Kirktounhill, the former at his dwelling place of Bomakelly and the latter personally apprehended, to compear before the Council at Edinburgh on 3rd January next; witnesses, David Bellie, Patrick Crombie, and David Barclay, servitors to the said David Barclay, John Straitoun, servitor to Sir Robert Grahame, younger of Morffy, and Mr Robert Grahame, schoolmaster of the school of Montros.

30th December 1642. Note of execution of summons against David Barclay, younger of Johnstoune, and Alexander Keith of Kirktounhill.

30th December 1642. Copy of Decreet anent two suspensions at the instance of John Bonar of Lumquhat, and John Moncrief, portioner of Auchtermuchtie, against William Logan, skipper in Leith.

268. Copy of Decreet (unbooked) dated at Edinburgh, penult December, 1642, anent the two suspensions at the instance of John Bonar of Lumquhat and John Moncreif, portioner of Auchtermuchtie, against William Logan, skipper in Leith, in the one case where the said William, as heir served and retoured to the deceased Robert Logane, burgess of Kingorne, his father's brother, and to the deceased Adam Logane, burgess thereof, his father's brother's son, caused charge the said John Bonar to pay £1000 with interest and penalty contained in a bond granted to his said uncle and cousin by Bonar, and upon which the said William Logan had wrongfully recovered decreet against him; and in the other case where the said William caused charge the said John Moncreif for payment of 500 merks with interest, and fifty merks of expenses contained in a bond granted by him to his said uncle and cousin, and for which he has also obtained a decreet. Now the complainers have already paid the principal sum to the said William and reported his discharge, and prior thereto there was arrestment made in the complainers' hands at the instance of the heirs of the deceased Helen Maxwell, widow of the said Adam Logane, who claimed right thereto, and the complainers ought to be liberated from this before payment can be craved. Moreover, as concerning the interest due, they regularly paid the same to the said Robert and Adam Logan, and after their deaths to the said Helen Maxwell until her death in April last, and reported the discharges, which they are now charged wrongfully to pay again. The complainers compearing by Mr Robert Hay, their procurator, and the charger by Mr David Heriott, his procurator, and Grissell Watsone, mother and executor confirmed to the said Helen Maxwell by the commissary of St. Andrews on 24th December last, being admitted for her interest, the Lords, after hearing parties, find the letters raised by the said William Logan orderly and refuse suspension; and they ordain William Logan and Grissell Watsone to find caution to each other for relief of their debts resulting from the death of the said Adam Logane, by whose death the sums in question accrue to them.

30th December 1642. Summons at the instance of John Baillie in Ballinglach and John Stewart there against witnesses in their action against the magistrates of Wigtown.

269. Summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Baillie in Ballinglach, and John Stewart there, tenants to Thomas Hay of Park, the said Thomas for his interest, and James McDougall of Garthland, Alexander McDougall of Logane, Uchtred McDougall of Freuche, Hew Kennedy of Synnonis, Quintene McDougall of Barlokhart, Andrew McDougall of Killasser and Andrew Tod in , against as witnesses in their action against the bailies and certain of the burgesses of Wigtoun, which has been suspended until 19th January next. They are to compear before the Council on that day. The summons is dated at Edinburgh, 30th December, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.

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270. Notes of executions—(1) on last December, 1642, by George Gordoun, messenger, against David Dunbar of Baldine, personally apprehended, to compear as a witness before the Council on 19th January next; witnesses, Robert Erskene, burgess of the Cannogaitt, and John Ridsone, writer in Edinburgh. (2) On 10th January, 1643, by Hew Nisbet, messenger, against William M°Culloch of Inschanbris, and Alexander Gordoun, indweller in Wigtoun, personally apprehended, to compear before the Council at Edinburgh on 19th January next as witnesses in a cause; witnesses, Patrick Calbreth, messenger in Wigtoun, John Sympsoun, sone to John Sympsoun there, John M°Robert and Robert M°Kie, burgesses there. 31st December 1642. 10th January 1643. Notes of executions against David Dunbar of Beldine and others.

271. Note of execution by Hew Nisbet, messenger, against William M°Culloch of Inschanbris, as in the immediately preceding note, but stating that the cause is that against the town of Wigtoun at the instance of his Majesty's Advocate and others. Undated. Note of execution against William M'Culloch of Inschambris.

272. Supplication by Bessie [? John]stoun in the parish of Cummertreis, as follows:—She was recently wounded in the hand with a sword and went to Richard Charters, chirurgeon, to be cured, but instead of curing he spoiled her hand, and she is "become mutilat thairof," and unable to work for her living, being a poor woman. Yet he recovered decree for his fee against her without hearing, and upon this had raised letters of horning and caption, and put her in prison in Dumfreis, where she has remained this long time in great misery, depending upon the charity of good people. She craves that the said Richard be ordained to make her an allowance so that she may not "sterve and famish," or, if he refuse, that the magistrates of Dumfreis be ordained to release her. [On the back] "*Apud* [torn]. *Fiat summonitio* to heare the desire granted." ? *c.* 1642. Supplication by Bessie Johnston in the parish of Cummertrees, prisoner in the tolbooth of Dumfries.

273. Supplication by John, Earl of Mar, Lord Erskine and Gareoche, etc., as follows:—On 21st July last their Lordships appointed certain of their number, viz., the Earls of Lauderdaill and Southesk, Lord Burley, the Lord Register, the Laird of Dundas and the provost of Edinburgh, or any three of them, one of the noblemen being one, to meet and consider the charges bestowed by the supplicant and the Earl of Linlythgow upon the works contained in their "patents of tannage and powder respective," in terms of the act of Parliament thereupon, and to report. Nothing has yet been done in the matter, and he craves that their Lordships would seriously recommend to the persons namcd the carrying out of the remit. [On the back] "Bill for the Erle of Mar, etc. December, 1642." *c.* December 1642. Supplication by John, Earl of Mar, anent his patents for the manufacture of leather and powder.

274. "A, 5.6.7.8; B. 3.4; C. 1.2; D. 15.16; E. 11.12.13.14; F. 9.10; G. 23.24; H. 21.22; I. 17.18.19.20; K. 29.30; L. 27.28; *c.* 1642. A Cipher.

M. 25.26; N. 37.38; O. 33.34.35.36; P. 31.32; Q. 43.44; R. 41.42; S. 39.40; T. 51.52; V. 47.48.49.50; W. 45.46; X. 57.58; Y. 55.56; Z. 53.54. From 58 to 200 are Nullityes, and serve onely to distinguish words and make the scypher more difficile. 201. The King; 202. The Queene; 203. The Prince; 204. The Duke of York; 205. Prince Rupert; 206. Prince Maurice; 207. Duchesse of Buckingham; 208. Duches of Richmond; 209. Duk of Richmond; 210. Earl of Arundell; 211. Earl Northumberland; 212. Earl Darbie; 213. Earl Worcester; 214. Earl Southampton; 215. Earl Bedford; 216. Earl Pembroke; 217. Earl Essex; 218. Marquis of Hartford; 219. Earl Dorsett; 220. Earl Salesbury; 221. Earl Leicester; 222. Earl Warwick; 223. Earl Bristow; 224. Earl Holland; 225. Earl Newcastle; 226. Lord Falkland; 227. Lord Saye; 228. Lord Conway; 229. Lord Cottington; 230. Lord Manchester; 231. Secretary Nicholas; 232. Mr H. Percy; 233. Mr H. Germaine; 234. Mr Porter; 235. Mr J. Ashburnam; 236. G. Runins; 237. Mr H. Willmut; 238. Sir Arthur Aston; 239. G. King; 240. G. Goring; 241. Sir Arthur Hopton; 242. Sir Gilbert Haughton; 243. Sir John Hotham; 244. The Parlament; 245. Mr Daniel O'Neil.—246. Marquis of Hamilton; 247. Marquis of Huntley; 248. Marquis of Arguile; 249. Earl of Montrose; 250. Earl of Eglinton; 251. Earl of Nithisdaile; 252. Earl of Kalendar; 253. Earl of Seaford; 254. Earl of Linnarick; 255. Earl of Traquair; 256. Lord Aboine; 257. Lord Lowden; 258. Lord Balmerinoch; 259. Lord Killkubright; 260. Lord Jhonston; 261. General Lesley.—262. Mayor Montroe; 263. W. Murrey; 264. Archebald Steward. 265. Marquis of Ormond; 266. Earl of Thomond; 267. Earl of St Albans; 268. Lord Gormonston; 269. Lord Montgarrett; 270. Lord M^c^Genish; 271. Lord M^c^Guire; 272. Lord Chichester; 273. Lord Muskry; 274. Lord Slane; 275. Mr Owen Oneel; 276. Sir Phelim Oneil; 277. Coronel Preston; 278. General Galle; 279. Coronel Berne; 280. Earl of Antrim; 281. Mr Alexander Macdonell; 282. Sir Donald Gorme; 283. Justice Tichburne; 284. Justice Borlace; 285. Sir W. Parsons; 286. Tirone; 287. Tirconell. English townes:—288. London; 289. Oxford; 290. Yorke; 291. Newcastle; 292. Hulle; 293. Chester; 194. Scarbrough; 295. Carlile; 296. Whitehaven; 297. Workington; 298. Wirewater; 299. Holyhead; 300. Barwick-upon-Tweede. Scottish townes;—301. Edenbrough; 302. Ayre; 303. Erwin; 304. Leith; 305. Dunbarton Castle; 306. Portpatrick; 307. Kirkubright; 308. Laugh Killkeran; 309. Laugh Fin. Irish townes:—310. Dublin; 311. Galloway; 312. Knockfargus; 313. Killkenny; 314. Derry; 315. Collraine; 316. Waterforde; 317. Kinsaile; 318. Charlamont; 319. Dunluce. Ileands:—320. Isle of Manne; 321. Isle of Bute; 322. Isle of Mull; 323. Isle of Sleat; 324. Isle of Raghlen.—325. France; 326. Spaine; 327. Rome; 328. Calles; 329. Dunkerke; 330. Groine; 331. Holland. [Signed on the back] "A. PRIMROSE." Miscellaneous Papers.

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275. Summons at the instance of William Wilson and Janet Tait, his spouse, against Isobel Seatoun, Lady Sneip, and others, as narrated *ante*, p. 370; dated at Edinburgh, 2nd January, 1643, and signed, ARCH. PRIMEROSE, Cler. S. Cons. On the margin is (1) note of hearing on 3rd January, 1643, when William Wilson compeared for himself and his wife, but no defenders compeared save Sneip, who was only challenged for hounding out, and denied the same on oath. He was therefore assoilzied. "Admits the haill to probation aganis the defenders absent and ordains Din and Dundas to examine the witnesses contained in the execution the morne at nyne houres; and (2) note of proceedings on the 5th January, as in the decreet." 2nd January 1643. Summons at the instance of William Wilson and Janet Tait, his spouse, against Isabel Seton, Lady Sneip.

276. Executions by James Edmistoun, messenger, on 2nd January, 1643, of summons at the instance of William Wilsoun, elder, in Monkrig, and Jonet Tait, his spouse, against (1] Isobel Seytoun, Christopher Hamiltoun, John Andersoun, Patrick Liddell, John Diksone and Marion Diksone, all personally apprehended, and against Charles Smyth at his dwelling house in Northrige and Patrick Crawfurd in Morhame, to compear before the Council; witnesses, John Lowrie, Robert Lyndsay, Alexander Diksoun in Morham and Gullane in the Barnes; (2) against John Mairten and Richard Pen in Stobstane, John Miller and John Tait in Hadingtoun and John Macgill in Segerstoun, personally apprehended, and also at the market cross of Hadintoun, as witnesses in the above matter; witnesses, Robert Scougell, (baker), George Cokburne, merchant, Robert Smyth, John Lowrie and Robert Lyndsay. 2nd January 1643. Executions of summons at the instance of William Wilson, elder in Monkrig, against Isabel Seton and others.

277. Note of execution on 3rd January, 1643, by James Allane, messenger, of a summons at the instance of William Wilsone, elder, in Munekrig, and Janet Tait, his spouse, against Andrew Haitlie of Sneip and Hector Trumbell, his servant, both personally apprehended, for their compearance before the Council; witnesses, David Urquhart, merchant, and William Robertsone and John Oliver, younger, messengers in Edinburgh. 3rd January 1643. Execution of summons against Andrew Hately of Sneip, and others.

278. Supplication by William Makintosche of Torcastell, as follows:—Some of the Clandonald, followers and tenants to Angus Makdonald of Glengarrie, are at the horn for the slaughter of certain of the suppliant's kinsmen and servants, and their Lordships found that the said Angus ought to produce them. For his refusal to do so he was warded first in the castle of Edinburgh, then in the burgh, and finally he was permitted to go home and settle with the supplicant upon caution to appear this day. Being very desirous of peace and unwilling that their Lordships should be further troubled in the matter if a reasonable and honourable satisfaction were offered, the supplicant in October last agreed to a friendly conference with the said Angus, who, however, absolutely refused to take burden for his said tenants, resolving thereby to frustrate *c.* 3rd January 1643. Supplication by William M'Intosh of Torcastle that Angus M'Donald of Glengarry be committed to ward or be forced to find caution for the exhibition of certain of his clan.

the supplicant of the benefit of their Lordships' decreet, whereupon the conference deserted. And now these rebels have banded themselves together, resolved by force to stand out against the law and to commit further slaughters and oppressions upon the supplicant and his people and others of his Majesty's subjects, whereby the peace of the country will be broken, unless their Lordships commit the said Angus Makdonald to ward here until these rebels be produced to answer for the said slaughter, or till he give caution in great sums for their exhibition at certain day in terms of their Lordships' former decreet. Miscellaneous Papers.

c. 3rd January 1643. Supplication by Angus M'Donald in which he offers to give such satisfaction to the Laird of M'Intosh as the Council shall ordain.

279. Supplication by Angus M°Donald, oy to the Laird of Glengarrie, as follows :—About a year ago their Lordships committed him to prison in the Castle of Edinburgh for not exhibiting certain rebels before the Justice to answer for the slaughter of , but finding that his imprisonment was the only hindrance to his either apprehending these rebels or satisfying the complainers, they released him upon finding caution to compear before them this day. On going to his country he did his utmost, with the assistance of his friends, to give satisfaction to the Laird of M°Intosh, and was willing to submit the whole case and assythement to be paid to arbitration, with an oversman chosen by M°Intosh, and the supplicant being responsible for the fulfilment of their decision, as a certificate under the hand of some gentlemen and two notaries would show. Their Lordships would thus perceive his willingness to give all satisfaction to the parties, and he therefore craves liberty to go home for his lawful affairs, and he shall ever be ready at their Lordships' sight to do whatever shall be found fitting for removal of the differences between M°Intoshe and him. [On the back] "Edinburgh, 3 Januar. Glengarrie compeirand personallie in obedience to the act of caution, and protested for releiffe of his cautioner. The Lords continowis this bussines [to] this day 14 dayes, Glengarrie acting himselfe to kepe ward within the toune and to appeare that day under the pane of x^{m} merks.

"17 Januar 1643. M°Intosh be his brother; Glengarrie personalie. Continowis with consent till Thursday. Glengarrie acted himselfe to appeare then under the pane of x^{m} lib.

"24 Januar 1643. M°Intoshe be his brother; Glengarrie personalie, who acted himselfe under the pane of ten thousand merks to keepe ward within this burgh ay and whill he sould produce a band subscrivit be himselfe and his cautioner, binding himselfe to obey the sentence of the freinds conteaned in the submission betuix him and M°Intoshe anent the slaughter of . And if the frends doe not accept and decerne and he find new caution to obey, that then he sall appear before the Councell upon the first of July and [underlie their forder] pleasure under the pane of x^{m} merks."

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280. Summons at the instance of William Wilsone, elder, in Monkrig, and Janet Tait, his spouse, against Isobel Seatoun, spouse to Andrew Haitlie of Sneip, Hector Turnbull and Patrick Craufurd, their servants, and Patrick Liddell in Morhame, charging them to enter themselves prisoners within the tolbooth of Edinburgh for hurting and wounding of the complainers, and that within six days on pain of horning; dated at Edinburgh, 5th January, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. 5th January 1643. Summons at the instance of William Wilson, elder in Monkrig, against Isabel Seton, spouse to Andrew Hately of Sneip and others.

281. Supplication by John Duncan in Touchmaller and others against John and Gilbert and John Waters, as narrated *ante*, p. 371. With note of finding upon the back signed by LOUDOUN, Can^{ll}rius, I.P.D. 5th January 1643. John Duncan in Touchmaller and others against John and Gilbert Waters.

282. Summons at the instance of Janet Dawson, servitrix to Henry Archibald in Water of Leith, and the said Henry for his interest, against William Black, George and David Allerdess and David Hodge, who all on horseback, accompanied by John and William Steill and David Edmond, on foot, at the instigation of Sir Alexander Toures, younger of Innerleith, came on 3rd January instant about eight o'clock at night to the house of the said Henry, when he and his wife were in Edinburgh on their lawful affairs, and none in the house but the said servant and some small children, and breaking up the back and fore doors of their house, violently apprehended the said servant, and, leaving the house and the poor children to the hazard of thieves, carried the poor woman to the castle of Weirdie, put her in the pit there, and detain her there still in great misery, being a free liege. Charge is therefore given for citing these persons and witnesses to compear before the Council on ; dated at Edinburgh, 6th January, 1643, and signed by ARCH. PRIMEROSE, Cler. S. Cons. On the margin is a note of the hearing of the case on 12th January, 1643. "Persewer be her father; Innerleith personalie for the remnant defenders, who alledgit that, she being his coalbearer, might have lawfullie seased on her. The persewers ofered to prove that 40 dayes afore the terme she had quat the service and wes not servant. Finds the lybell relevant. Admits to the probation of the tua witness." Attached to the summons is note of executions by John Hamiltoun, messenger, on 7th January, 1643, (1) against Sir Alexander Touris, younger of Innerleith, David Allerdyce and William Steill, personally apprehended, and William Blak, George Allerdyce and John Steill, at their dwelling houses in Werdie, and on the 9th January against these three and David Edmond at the market cross of Edinburgh, to appear before the Council on 10th instant; witnesses, Gawine Imrie, tailor; William Greinscheills, shoemaker; John Dawsone, indweller in the Cannogait, and Alexander Campbell and George Neill, messengers; and (2) on 7th January, 1643, against Robert Winrahame, weaver, and Moyses Binny, weaver, both in Water of Leith, as witnesses in the case; witnesses, John Dawsone, skinner in Cannogait, and David Wrycht, messenger. 6th January 1643. Summons at the instance of Janet Dawson, servitrix to Henry Archibald in Water of Leith, against William Black and others.

6th January 1643. Affidavit by George Spence and others to the effect that they were never fined by William Stevenson, collector, for subscribing a supplication in favour of George Haliburton, as is alleged by the Viscount and Master of Dudhope.

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283. "We, George Spens, James Ritchardsone, James Barrie, David Hoig, and James Hoig, bonnatmakaris, burgesses of Dundie, being informed that William Stevinsone, collectour, is chairged be the Vicount and Master of Duddop for alleadgeing that we wer unlawed be the said William Stevinsone for subscryveing ane supplicatione in favoris of Mr George Halyburtoune, doe by these presentis testifye and declair to the Lordis of his Majesteis most honorable Privie Counsell, that, gif any suche complent be maid in our names, or any letters pasit chairgeing the said William Steivinsone to compeir befoir the saidis Lords, that we altogidder are ignorant thairof, wer nevir accessorie thairunto, and thairfoir dischairges the said William Steivinsone off all actione conceavit in our names for any caus quhatsumevir. For this we declair in presence of God and as we sall answer to him, he did nevir exact any unlaw from us or ather of us for the caus foirsaid, but we being sensibill of the great wrong we had beine in separating our selffis from our societies in subscryveing of ane petitione in favoris of the said Mr George Halyburtoune, to the quhilk we wer threattned be the said Master of Duddop, and deteined and lockit in the Tolbuith of the Hill quhill we did subscryve the same, whilk thaireftir we did solemnlie revoik and disclame, did intreat the said William Steivinsone to deall with our deacones to accept us in thair favoir and to tak the wyne from us, whilk they wer pleased to doe in a verrie sober maner; and this we declair to be of verritie, be this our subscription and oath foirsaid. At Dundie, the sext day of Januare the yeir of God ane thowsand sex hundreth and fourtie thrie yeires, befoir thir witnesses—Patrick Guthrie, elder, Robert Striviling and David Sword, merchandis, and James Nicoll, wreitter heirof, burgesses of Dundie, (Signed) George Spens. Ja. Nicoll, witnes.

We, James Richardsone, James Barrie and David Hoig above named, with our handes at the pen led be the notaris wnder subscryeand at our commandis, becaus we cannot wreit our selffes. De mandato dictorum Jacobi Richardsone, Jacobi Barrie, Davidis Hoig, scribere nescientium (ut asseruerunt), ego, David Yeaman, notarius publicus, subscribo.

Similiter de mandato dictorum Jacobi Richartsone, Jacobi Barrie et Davidis Hoig, scribere nescientium ut asseruerunt, ego, Georgius Wichtane, connotarius publicus, subscribo. (Signed) P. Guthrie, elder, witnes; Ro^t Strivling, wittnes; James Hog."

7th–8th January 1643. Note of executions at the instance of William Wilson, elder in Monkrig, against Isobel Seton and others.

284. Note of executions by Patrick Burnet, messenger, of summonses at the instance of William Wilsone, elder in Monkrig, and Janet Tait, his spouse, (1) on 7th January, 1643, against Isobel Seatoun, spouse to Andrew Haitlie of Sneip, and Hector Turnbull, their servitor, both personally apprehended, to enter into ward within the tolbooth of Edinburgh; witnesses, Patrick Young, bailie of Hadintoun, and Patrick Craufurd in Morhame; (2) on 8th January, 1643, against Patrick Crawfurd and Patrick Liddell in Morhame, both personally apprehended,

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to the same effect; witnesses, John Home, tailor in Garvald, and William Andersoun, younger.

285. Supplication by William Wilsone in Eister Monkrig and Janet Tait, his spouse, as follows:—In their action against Isobel Seytoun, spouse to Andrew Haitlie of Sneip, Hector Turnbull and Patrick Crawfurde, their servants, and Patrick Liddell in Morahame, were on the evidence of famous witnesses convicted and ordained to enter within ward in the tolbooth of Edinburgh till order should be taken with them for their riot, and the petitioners have caused charge them to do so. But the defenders intend to purchase suspension of these letters, for the sole purpose of frustrating them of justice and detaining them from possession of the lands of Eister Monkrig, of which the petitioners have a tack during the lifetime of Dame Margaret Prestoun, Lady Beirfurde, elder; as also to destroy and spoil their crops. They therefore crave that the Lords would stop the granting of such suspension until the supplicants be repossessed in the said lands, their losses repaired, and order taken in the said principal cause.

[c. 8th January 1643.] Supplication by William Wilson in Easter Monkrig that Isabel Seton and others may be refused the suspension of letters ordaining them to enter within ward in the tolbooth of Edinburgh.

286. "Unto the right honourables the Lordis of his Majesties Secret Counsell, wee, the minister and elders of the kirk of Wigtone undir subscrywand, dois testifie upon our consciences that Johne Sprote, sone to Andrew Sprote in Wigtone, is presentlie diseased with ane flux and is not able to repair to the burghe of Edinburgh, it beand fourscoir myillis distant or therby frome this toune of Wigtoune, quhilk we testifie to be of veritie be thir presents subscryved with our handis at Wigtone, the aucht day of Januar, the yeir of God j^{m}vj^{c} fourtie thrie yeires. (Signed) M. J. Hamyltoun, minister; Johne McChrystein of Munkhel, ane of the elderis; William Dunbar, elder; Michaell McKie, ane of the elders. Thomas McKie, ane of the elderes.

"I, Johnne Sprot, makis and constituts Johne Dunbar, noter, elder in Wigtoun, my procuratour to compeir for me befoir the Lords of Secreit Counsell and present unto thame this testimoniall abonewryttin, quheranent thir presents sall be his warrand, be thir presents subscryvit with my hand at Wigtoun, day, yeir and place foirsaid, befoir thir witnesses, William Dunbar, noter, and Fergus Dunbar of Lytill Killantrey. (Signed) JOHNE SPROT; William Dunbar, noter, witness; Fergus Dunbar, wyttnes."

8th January 1643. Attestation by the ministers and elders of the kirk of Wigtown that John Sprott, son to Andrew Sprott in Wigtown, is unable to appear before the Council on account of sickness.

287. "Our verye nobill and most honorabill good lordis, Wee have made bold to returne unto your Lordshipes ane repoirt of our proceedingis with Agnes Grant, apprehendit for the murther be sorcerie and witchecraft of David Hay of Park, Johne and William Hayis, his sones, and have suspendit the pronuncing of the doome whill wee gait your lordshipes will and mynd thereanent according to the meening of your lordshipes commission direct to us. The most pairt of the ministrie of

9th January 1643. Letter from Elgin anent Agnes Grant who is accused of the murder of three gentlemen by sorcery, of which crime

the writers have found her guilty.

that presbitrie and divers gentilmen war present with ws, who perceiving that wee procedit with the pannell upoun tryell of sic poyntis of dittey as concerned the murther of these thrie gentilmen allanerlye, and being resolvit be us that our commission caried us no farder, nevirtheles wee war so pressed be them that wee resolved to heir sum that war present; wha being callit befoir us, deiplye sworne with upholdin handis in the audience of the pannell and assyse, they gave in sindrie delationes whairof the pannell confest the most pairt bot with feirfull execratiounes aganes the delatouris. Theis ditteyes ar not mentionat in the rolment of court, bot wee thocht it expedient to represent them to your lordshipes in a by paper. This wretchit creature hes bene ever and as yit is of ane exceding ivill reporte, and there have bene monye vehement presumptiounes exhibited to us that schee hes bene accessorie to dyverse divilische practises. So referring to your honours wyse consideratione and in all humilitie recomending your selfes and all your honorabill affairis to the protectione and directione of the Almichtie, wee rest, Your lordshipes most humbill servandis. (Signed) WALTER KYNNAIRD; Mr JHONE HAY; J. SUTHERLAND. Elgin, 9 Januar, 1643."

[Addressed on the back] "To our verye nobill and most honorabill good lordes, the Lordes of his Majesties most honorabill Privie Counsell."

9th January 1643. Supplication by David Home for summons against Sir Patrick Home of Polwarth and certain of his servants whom he accuses of assault.

288. Supplication by David Home, as follows:—Sir Patrick Home of Polwart, being indebted to him £100 for furnishings some eight years since, desired him to come to his house and receive satisfaction. This he did and expected "kynd and thankfull usage from the said Sir Patrik within his owne hous, but aganis the dueteis of hospitalitie and my expectatioun, Androw Purves, servant to the said Sir Patrik, first abused me with contumelious speeches, thereafter the said Sir Patrik and foure of his servants patt violent hands in my person, gave me manie straikes, threw me to the ground, brake my sword, belt and rapper, and had almost murdrest me, wer not my awne better defence." He craves that Sir Patrick and his said servants may be cited to compear before the Council on 9th Februaay to answer "to this inhumane insolence" and punished for the same. [On the back] "*Apud* Edinburgh, *nono* January, 1643. *Fiat summonitio ut petitur.* M. A. GIBSONE Durie." Also note of execution on 4th February, 1643, by Hew Lauder, messenger, against Sir Patrick Home personally in Edinburgh; witnesses, William Purves, servitor to Sir Patrick, and William Lindsey, post there. On the margin there is noted, "14 Februar, 1643, persewer personalie; defender absent. Decernis, and continowis the outgiving of the letters till Thursday."

9th–11th January 1643. Two notes of executions of letters of suspension of

289. Two notes of executions by William Hunter, messenger, of letters of suspension and relaxation purchased by John Murdoch, Patrick Hannay and Patrick Coltrane, bailies of Wigtoun, John Murdoch, elder, late provost, Alexander McKie, late bailie, William Dunbar, notary

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Patrick Calbraith, messenger, Finlay Crackan, Archibald and Patrick Blane, John and William Clugstoune, Gilbert and John Fraser, John McKeane, Roger McCoskrie, Alexander Reid, James Keith, John Sproate, Patrick Stanger and John McQuharg, burgesses of Wigtoun, Adam McKie, John Dunbar and Alexander Fraser, notaries, (1) on 9th January, 1643, against James Tod in Kirkland of Kirkcowane, Hew Kennedy of Sinnonys, John Bailye and John Stewart in Ballinglach, all personally apprehended, to compear before the Council at Edinburgh on 19th instant; witnesses, John McDowell of Creochis, Hew Nisbet, messenger in Glenluce, Alexander Bailye, son to the said John Bailye, and James Stewart, son of the deceased John Stewart, merchant in Monygoff; and (2) on 10th January, 1643, against James McDowell of Garthland, Uchtred McDowell, younger of Freuch, Quintin McDowell of Barlockart, Alexander McDowall of Logan, and Andrew McDowell of Killaisser, to compear as above. He had to leave copies of the summons at Garthland, Balgroggan and Barlockart. Further, he made proclamation against these persons on 11th January at the market cross of Wigtoun, witnesses, Fergus McDowell, brother of the said Uchtrid McDowell of Freuch, John McQuhan in Culgroat, John Spratt in Glenluce, James Stewart, son of the deceased John Stewart in Monygoff, Patrick McKie, notary in Wigtoun, and James McClengzeane, in Overbar.

relaxation purchased by John Murdoch and others.

290. "We undersubscryvars, joynt petitioners in the petitioun presented be the right noble the Earle of Home to the right honorable the Lords of his Majesties Privie Counsall, upon the tent day of January instant, 1643, for ourselfes and in name and behalf of all quho do adhere theirto, do by these presentts desyr yow, Archibald Primrois, clerk to the saids Lords of Secreitt Counsall, to give to us ane just and lawfull extract thairof under your hand and subscriptioun, and of the Lords of Secreitt Counsall their act and delyverance grantit be them theirupon. (Signed) Ja. Home; Montgomerie; Kellie; Finton; Banffe; Livingstoune; Saltone; Dumfries; Flemyng; W. Gray; W. Ker; Carnegy; Bargany; Georg Ogilvy; Sir Alex: Touris; J. Sandelands; J. Dowglas; Innerharitie; S. W. Sinclare; Sr J. Dalzell; James Stewart of Rossyth; John Saintclare; Hamilton; J. Lockharte, Mynto; Jo. Awchtmowtie; Sr H. Nisbett; Alexander Ogilvy; T. Dalmahoy; J. Stuart; D. Ogilvy of Glasuall; J. Thomsone; James Ogilvy; James Hamiltone; Thomas Hamilton; J. B. Tulliallane; Ninian Dunbar of Grangehill; Johne Levingstoun; James Blacader; Robert Dunbar apparent of Granghill; J. Byres."

[Endorsed] "Subscryvers of the Cross Petition 1642."

10th January 1643. Petition to the clerk of Council for an extract of the petition presented to the Council by the Earl of Home.

291. Scroll of the Minutes of Council from 10th to 19th January as in Acta and Sederunts, printed *ante*, pp. 373-378.

10th-19th January 1643. Minutes of Council.

12th January 1643. Note of execution of letters of relaxation from the horn in favour of John Murdoch and others, magistrates in Wigtown.

292. Note of execution on 12th January, 1643, by William Hunter, messenger, at the market cross of Wigtown, of letters of relaxation from the horn in favour of John Murdoch, Patrick Coltran, and Patrick Hanney, bailies, John Murdoch, late provost, Alexander McKie, William Dunbar, Patrick Calbreath, Finley Crackan, Archibald and Patrick Blane, John and William Clugstoune, Gilbert and John Fraser, John McKeane, Roger McCroskrie, Alexander Reid, James Keith, John Sproate, Patrick Stangers and John McQuharg, burgesses of Wigtown, Adam McKie, John Dunbar and Alexander Fraser, notaries there, the said John Dunbar receiving the wand of peace in name of all; witnesses, Patrick McKie, merchant in Wigtown, and James McClengzen in Overbar. Marked at the foot as having been produced and registered at Edinburgh, on 19th January, 1643. Miscellaneous Papers.

12th January 1643. Supplication by Alexander Borthwick of Sauchnell.

293. Supplication by Alexander Borthwick of Sauchnell, as narrated *ante*, p. 383. [On the back] "Edinburgh, 12 Januar, 1643. Ordans the partie to be warned, LOUDOUN, Can^ll^rius, I.P.D." Also note of execution on 18th January, 1643, by Mr John Henrysone, macer, against Sir Robert Douglas of Blaikerstoun, personally apprehended, to compear before the Council on 19th instant; witnesses, Robert Scot of Hartwodmyres, and Mark Hamiltoun, macer. Likewise note of the finding of the Council and state of the vote—Enlarge, 11; No, 6.

12th January 1643. Summons at the instance of Isabel Seton, spouse to Andrew Hately of Sneip, and others against William Wilson and Janet Tait, his spouse.

294. Summons at the instance of Isobel Seatoun, spouse to Andrew Haitlie of Sneip, Patrick Liddell, Patrick Crawfurd, and Hector Turnbull, against William Wilsone, and Janet Tait, his spouse, as narrated *ante*, p. 382; dated at Edinburgh, 12th January, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. With note of finding on the margin dated 24th January, 1643; and attached on the back, note of execution, dated 17th January, 1643, by John Tait, messenger, against William Wilsone in Easter Munkrig at his dwelling house, and Janet Tait, personally apprehended, to compear before the Council that day; witnesses, Thomas Turner, tailor in Boltone, and Adam Hamiltone, servant to the messenger.

12th January 1643. Roll of business.

295. "Edinburgh, 12 Januar, 1643. To be callit:—
The Vicount of Dudop and toune of Dundie.
Katherine Abercrombie *contra* William Arrat.
Jonet Dauson *contra* the Laird of Innerleith.
The Ladie Sneips suspension.
The Ladie Home *contra* Captain Hamilton.
Johne Wilsone *contra* his creditors.
Bill for Allexander Borthuick of Sauchwel.
Wauchtonis letter.
Bill for the Postmaster at Portpatrick.

Miscellaneous Papers.

"Edinburgh, 17 Januar, 1643. To be callit:—
The Vicount of Dudops processe to be advysit.
The Ladie Sneips suspension.
Katherine Abercrombie *contra* William Arrat.
Copie for the Earle of Caithnes.
Johne Wilsone *contra* his creditors.
Fergus Grahame *contra* Archibald Douglas.
Wauchtons letter.
Comissions against witches.
Sir James Melvil.

[Note of a vote]—Caution, 10; Cautioun confyne, 12; *Non liquet*, 3; no caution, 1.

"The Councel can give no answer to the petition within written untill first the Commission of the Assembly be acquainted therwith."

"The Councel recomends to the Commissioners of the General [Assemblie] to think upon the best course that may preveene all occasion of division or of mistakes among the subjects, and quhilk may procure the advancement of religion and unitie amongst . . ."

"Edinburgh, 19 Januar, 1643.
The Ladie Sneips suspension.
The toune of Wigtoun and Hay of Park.
Comissions against witches.
Katherine Abercrombie *contra* William Arrat.
Glengarie and McIntoshe.
The Laird of Wauchtons letter to the State of Hamborrough.
Fergus Grahame and Archibald Douglas.
The Earle of Caithnes *contra* Seafort.
Alexander Borthuick *contra* his creditors.
Bessie Hunter *contra* heraulds.
Sir James Melvill and Clerk of Councel.

"Edinburgh, 24 January, 1643. *Sederunt*:—Chancellor; Hamilton; Argyle; Eglinton; Cassills; Glencarne; Lauderdail; Southesk; Angus; Yester; Balmerino; Elphinston; Clerk Register; Advocat; Justice Clerk; Innes; Dundas.

The Laird of Enterkin to discharge the office of sheriff of Ayr during the illness of the Laird of Cessnock.

"The quhilk day it wes thought fitting that in respect of Cesnoks seiknes, who is shireff of Air, and of his inabilitie to discharge that place, that Enterkin sould supplie that charge till the next nomination or till his Majestes pleasure theranent sould be made knowin. Lykeas Enterkin, being personally present, accepted the charge and gave his oath *de fideli*."

Roll of business.

"Edinburgh, 26 Januar, 1642 [*sic*].
The Earle of Murray aganis the Laird of Balmowto.
Fergus Grahame *contra* Archibald Douglas.
Fergus Grahame *contra* Mark Loch.
Mr Thomas Ridpeth *contra* Robert Lauder.
The Laird of Sneip *contra* his witnesses.
Margaret Gordon *contra* John McNacht."

[*Sederunt*]:—Argyle; Hamilton; Leven; Cassills; Murray; Lauderdail; Southesk; Angus; Yester; Balmerino; Innes; Clerk Register; Advocat. Miscellaneous Papers.

"Edinburgh, 31 Januar, 1643. To be callit:—

William Craigheid *contra* John Straton and others.
The Borrowes and the Earle of Seafort.
The report of the processe of a witche in Murray to be advysit.
Mr Thomas Ridpeth *contra* the Laird of Lauder.
The Lyon herauld *contra* Messengers.
Harthill *contra* toun of Aberdene.
Margaret Gordon *contra* John M^c^Nacht."

[*Sederunt*]:—Chancellor; Leven; Hamilton; Argyle; Eglinton Cassills; Lauderdaill; Southesk; Angus; Elphinston; Balmerino; Advocat; Tresaurer Deput; Justice Clerk.

"22 Januar, 1642, to be callit:—

Fergus Grahame of Blaatwood *contra* Archibald Douglas.
Alexander Seaton *contra* Sir John Seaton.
Ninian Neven *contra* James Sinclar.
Mr Banks and his servants anent tobacco pypes.
The provest and baillies of Aberdene thair bill.
[This paragraph is deleted.]

"24 November, 1642.

The Marques of Argyle his bill.
Fergus Grahame *contra* Archibald Douglas.
David Home *contra* provest and baillies of Edinburgh.
John Hay of Park his bill.
[This paragraph is deleted.]

Marquis of Argyle to be president of Council during the absence of the Lord Chancellor.

"The quhilk day the Councel, in respect of the Chancellors absence in the publict employment to England, made choise of the Marques of Argyle to be president of the Councel dureing his absence and till his returne."

13th January 1643. Summons at the instance of George Bell and others against Archbald Douglas of Dornock.

296. Summons at the instance of George Bell, Thomas, James, John and Isobel Burrell, and Adie Wylie, tenants to Fergus Grahame of Blaatwod, and the said Fergus, against Archibald Douglas of Dornock, as narrated *ante*, p. 384; dated at Edinburgh, 13th January, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is a note of hearing on "24th January, 1643; persewer be his sone; defender absent. Decernis and continowes the outgiveing of the letters till Fryday next"; also note of hearing on 26th January, and on the back a scroll of the finding.

13th January 1643. Summons at the instance of Fergus Graham of Blaatwod against Mark Loch, burgess of Dumfries.

297. Summons at the instance of Fergus Grahame of Blaatwod against Mark Loch, burgess of Dumfreis, as narrated *ante*, p. 384; dated at Edinburgh, 13th January, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin there is a note of hearing on 26th January and of the finding in the case.

Miscellaneous Papers.

298. "Wnto the richt honorabiles the Lordis of his Majesties Secreit Counsell, we, the minister and elderis of the sessioune of the church of Wigtoune, wndersubscryveand, doeth heirby testifie upon our consciences that William Dunbar, notar, is ane aged man and subject to the gravell sua that he is not abill to repair to the burghe of Edinburgh, it being fourscoir myles or thereby distant from this burghe of Wigtoune, nether wes he at the taking and apprehending of Johne Baillie and Johne Stewart in Glenluce, quhilk premisses we testifie to be of veritie be thir presentis subscryvit with our handis at the burghe of .Wigtoune, the threttene day of Januar, the yeir of God 1643 yeiris. (Signed) Mr J. Hamyltoun, minister; Johne McChrystein of Munkhell, ane of the elderis; Michaell McKie, ane of the elderis; William McCulloch, ane of the alderes."

13th January 1643. Attestation by the kirk session of Wigtown that William Dunbar, notary, is unable to travel to Edinburgh on account of sickness.

299. Note of execution by John Hart, younger, messenger, of a summons at the instance of George Bell, Thomas, James, John and Isabel Burrell, and Adie Wylie, and Fergus Grahme of Blaatwod, their master, against Archibald Douglas of Dornock, personally apprehended, to compear before the Council at Edinburgh, on 17th January; witnesses, Mr William Maxwell, advocate, John Hart, elder, messenger, and John Pearsone, post in Edinburgh.

14th January 1643. Note of execution of summons at the instance of George Bell and others against Archibald Douglas of Dornoch.

300. "Edinburgh, 14 January, 1643, in presence of Angus and Din —William Chrystie in Babeuchlie, of the age of 30 yeeres, deponis he knowis the parties and that the Vicont of Dudop and his predicessors, constables of Dundie, hes to his knawledge, as long as he can remember anie thing, beene in peaceable possession of the rydeing of the first [fair] of Dundie throw the toun, receaveing the keyis of the tolbuith and uplifting the customes of the faire, and dureing the tyme therof, being for the space of eight dayes, wes sole judge in all caussis civill and criminall within that toun. Depons he hes beene ane ey witnes of this possession himselfe dureing his lyftyme and hes hard all his forbeares record the lyke past memorie of man. Depons in August last, the Constable of Dundie sone haveing come to have keept and used his wonted priviledges, the provest and baillies of Dundie closed the ports of the toune, and when the persewers craved entrie and the priviledge he formerlie enjoyed they refuised to lett him enter, or give him the keyes. And the deponer wes present and saw the same.

14th January 1643. Depositions anent the right of the Viscount of Dudhope to ride the first fair of Dundee.

"George Gardin in Bagye, of the age of 30 yeres, anent the Constable of Dundies possession, depons *conformis primo testi*, bot he saw not the debarring, for he wes at the faire.

"George Kinnard in Drimmie, of the age of 22 yeares, maried, depons he knowis the Master of Dudops Constable of Dundies possession of the ryding of the faire, receaveing the keyes, uplifting the customes, and judgeing all causes civill and criminall for the space of eight dayes, to have beene without interruption so long as he remembers, and that at

Lambmes bygane a yeere, when the Master of Dudop wes comeing to the toun to ryde the faire, he saw tua baillies standing at the port of the toun, and when they saw the Master of Dudope come within tua paire to the port they closed the sydes of the port, and when they come within tua horse lenthe to the port they closed the wicket also and debarred the persewers, as is deponed be the first witnes, and that these who had commission to ryde for the Constable this last yeere wes lykewayes interrupted. Miscellaneous Papers.

"William Scrymgeour, sone to James Scrymgeour of Fairnie, depons he knowis the Constable of Dundies possession of rydeing the faire conforme to the lybell, and hes beine for many yeeres witnes to the possession, but knowis nothing of the interruption bot be report.

"John Nicoll in the Hill of Dundie depons anent the possession and interruption conforme to the first witnes. Anent the quarrel, the deponer depons he knawis that the Constable of Dundie hes beene in use to caus build houses with the stones of the querrell lybellit, and that about a yeere since, when the persewers tua servants were working therein, the baillies of Dundie, with the officers and others toun people, come out of the toune to the querrel and with shovells kuist doune the haill stanes that wes wrought, and they commandit the poore workemen to come out and leave the work; and upon their refuisall Robert Davidsone, baillie, commandit the people to roll doune stones on the poore men, so as for saiftie of thair lyves they wer forcit to leave thair worke.

"Patrick Milne in the hill of Dundie, hammerman; depons *conformis proximo testi in omnibus.*

"John Craig, bonnetmaker in the Hill, depons *conformis in omnibus.*

"James Duncan, bonnetmaker in Dundie, depons *conformis proximo in omnibus.*

"Thir last foure witnesses dreads bodilie harme of the toune of Dundie, and craves caution and expenses.

"Robert Davidsone, sworne, deponis in presence of the partie that Andro Smith, customer to the Vicount of Dudope, wes committed be the provest and bailleis of Dundee the tyme lybellit, but it wes onelie for upbraiding and revylling one of the baillies. (Signed) ANGUS; S. A. Erskine off Dun." There is also a note of the finding on 17th January, p. 376.

16th January 1643. Supplication by Bessie Hunter, widow of Thomas Drysdale, for summons against Sir James Balfour, Lyon Herald, and James Currie.

301. Supplication by Bessie Hunter, widow of Thomas Dryesdaill, Yla Herald, as follows:—On 24th August, 1639, their Lordships ordained her to deliver her husband's coat of arms to Sir James Balfoure, Lyon Herald, for the use of James Currie, her husband's successor, at the then approaching parliament. This she did, and received a receipt for the same from Sir James, with an obligation, in terms of their Lordships' decreet, that he would produce the same before their Lordships at the close of the parliament. Parliament has long since ended and he has not produced the coat, but the said James Currie

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keeps and uses the same without giving to her any satisfaction, "according to the orders and custome amongs the heralds in the like caises." She craves summons against Sir James and James Currie either to produce the coat or satisfy her. [On the back] "Apud Edinburgh, 16 January, 1643. *Fiat summonitio ut petitur.* ROBERT INNES of that Ilk." Also note of execution on 17th January, 1643, by Mr John Henrysone, macer, against the said Sir James Balfoure and James Currie to compear before the Council on the 19th January; witnesses, Patrick Sandilands, servitor to Sir John Auchmoutie, John Pringle of Soltra, and others.

302. "At Edinburgh, the sextene day of Januar, 1643. Quhilk day in presens of me, notar publict, and witnesses underwrittin, Williame Abernathie, brother germane to Capitane John Abernathie, and procurator specialie constitute for him, past [to] the personall presens of Robert Arbuclis, William Grahame and James Youngar, burgesses of the said burgh of Edinburgh, and requirit and desyrit thame in name and behalff of Johne Wilsone (wardit at thair instance within the ward tolbuith of the Cannogait) to mak payment to the said Johne of foure shillingis Scotis money ilk day be the space of fourtene dayes bygane, and daylie in tyme cuming so lang as they detene him in ward at thair instance. Quhilkis thrie persones exponit and declairit, ilk ane for thair awin partes, that they war content the said Johne Wilsone sould be liberat furth of ward and that they had bestowit ovirmekle expenses and chairgeis upone him alreddie. Upone the quhilkis all and sundrie the premisses the said William Abirnathie, procurator foirsaid, askit and tuik instrumentes in the hands of me, notar publict, and protestit for costis, skaith, damnaidge and remeid of law. Thir thingis war done upone the Hie Streit of Edinburgh, betuix twa and thrie houris efternone, in presens of Thomas Allane, messenger in Edinburgh, George Rollok, tailyeour burges of the Cannogait, and James Harper, servitour to the said Capitane, witnesses callit and requirit.

16th January 1643. Affidavit that John Wilson is illegally warded in the tolbooth of the Canongate by William Abernethy and others.

Ita est Alex^r^ M^c^Brek, notarius in premissis requisitus, teste manu propria."

[Noted at foot] "Ordans John Wilson to be put to libertie in so farre as he is wardit at the instance of the three persons abovewritten, in respect of the act of Councel and instrument abovewritten. (Signed) LOUDOUN, Can^ll^rius." Also noted on back a scroll of the finding on 24th January, 1643, as narrated *ante*, p. 384.

17th January and 28th February 1643.

303. Scroll of acts relating to the Earl of Finlater and George, Lord Bamff, printed *ante*, pp. 378 and 401.

The Earl of Findlater and George, Lord Banff.

304. In presence of the Lord Register.

18th January 1643.

"Robert Winrahame in Water of Leith, maried, depons he knowes not how long the persewer wes with the Laird of Innerleith, and knowes

Depositions anent an

assault in Leith.

none of the persons compleanned upon nor yitt anent the breaking of the doore; and declaires that the time libelled he heard a din and came to see what the mater meant and speired for the pursuer, and heard some answer,—If yee would have her come and fetche her; and depons he knew her to be coale bearer eight dayes before the violence libelled. Miscellaneous Papers.

"Moyses Pin in Water of Leith, maried, sworne, depons he knew Jonnet Dawsoun entered home upon the first of January to Henrie Archibald, and that he knew her never before, and knowes no thing of the violence libelled nor anie farther in this compleaint.

"A. Gibsone, Durie."

7th January 1643. Commission by the magistrates of Dundee to Alexander Mylne, bailie, and Robert Davidson anent the action brought against them by the Viscount of Dudhope.

305. Commission by the provost and bailies of Dundie and William Stewinsone, collector of the crafts of the said burgh, to Alexander Mylne, bailie, and Robert Davidsone, to compear on their behalf before the Council in the action against them by John, Viscount of Duddop, Lord Scrymgeour, James, Master of Duddop, and John Lamb, Andrew Smyth and John Bowar, quarriers in Cleppingtoune; dated at Dundie, 7th January, 1643, written by James Nicoll, writer in Dundie, and subscribed by Mr Alexander Wedderburne, common clerk thereof.

c. 20th January 1643. Supplication by John, Viscount of Dudhope, anent the terms of his act of caution to the town of Dundee.

306. Supplication by John, Viscount of Duddop, and James, Master of Duddop, as follows:—In the suspension of lawburrows between them and the town of Dundie, their Lordships have made some restrictions in the latter's act of caution, and they crave that the like restrictions may be made in their act to the town; as also that their Lordships "would declare that if anie ten or twelffe or moe of the saids inhabitants sall concurre together for injuring us or our tennents, the same may be accompted the touns deid," as they have the power to prevent the same.

17th January 1643. The Viscount of Dudhope and Dundee.

307. Scroll of part of the decree of the Council in the action by the Viscount of Duddop and others against the town of Dundie, narrated *ante*, p. 376.

19th January 1642. Supplication by Patrick Crawfurd and others to be freed from ward in the tolbooth of Edinburgh.

308. Supplication by Patrick Crawfurd, Patrick Liddell and Hector Turnebull, servitors to Lady Sneip, as follows:—Upon the complaint of William Wilson in Monkrig and his wife they have been prisoners in the tolbooth of Edinburgh since Friday last, and being but mean persons they cannot longer maintain themselves in ward. They crave warrant to the provost and bailies of Edinburgh to liberate then. [On the back] "Edinburgh, 19th January, [1643]. Ordains the supplicants to be putt to libertie, findeing caution to appear on Tuesday. LOUDOUN, Can^ll^rius, I.P.D." Also note of finding, as narrated *ante*, p. 380.

19th January 1643. Notes of execution of summons at

309. Notes of executions on 19th January, 1643, by Alexander Gibsone, messenger, of a summons at the instance of Fergus Grahme of Blawertwod (1) against Mark Loch, personally apprehended, to com-

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pear before the Council on 26th January; witnesses, David Grahme, indweller in Annand, and John Rome, son of Andrew Rome in Ford of . . . . ; and (2) against Robert Jonstoun of Stabiltoun, John Jonstoun, late provost of the burgh of Annand, and David Grahme in Annand, all personally apprehended, as also Walter Myllar, notary and town clerk of Annand, and George Jonstoun, son of the said John Jonstoun in Annand, at their dwelling places, to compear as above, as witnesses in the cause; witnesses, James Lantoun in Annand and George Neill (?) there. On the back is a scroll of the finding in the cause, as narrated *ante*, p. 385. the instance of Fergus Blaatwod against Mark Loch.

310. "Sir Bailyie, James Douglas, justice officer, hes bene at me desyreing me to seik out in the buikis of justiciarie the name of ane James Speir, gif he be actit as baneist out of this kingdome for ony cryme quhatsumevir, and to geve the trew testimony thairupoun; according to the quhilk desyre I and my servandis hes serchit and cassin over our buikis thir foure yeiris bygane and can nocht find the said James Speir his name ather accuset, convict or baneist for ony cryme; quhilk I testifie to be of veritie be thir presentis this xxiij of January, 1643. (Signed) Johnne Bannatyne, depute to our soverane lordis Justice Clerk." 23rd January 1643. Anent one James Speir who has been banished for some crime unknown.

311. "At Edinburgh the day of Januar, 1643. The Lords of Secreit Counsell, having at lenth read, heard and considerit the missive letter direct unto thame be Edward, Vicount of Chichester, Captane Arthure Chichester, his eldest sone, Sir Arthure Tyninghame, knight, one of the Privie Counsell of Ireland, and Arthure Hill of Kilwalden, in the countie of Downe, Esquire, together with the letter of attourney given be thame to Mr James Edmonston of Bradyland, in the countie of Antrim, to bargane and buy for thair use aganis the rebells in Ireland the armes following, viz., 1000 musketts with bandeleirs, 2000 swords, 540 picks, 500 horsemens peeces with snaphances, or for want of such, 500 carbynes, and three feild peeces of three or foure pund bullett, upon suretie to be givin be the said attourney in thair names to such as sall furnish the saids armes within this kingdome, the saids Lords, in regard of the present necessitie of his Majesties good subjects in Ireland, finds it expedient that they be suppleed of the armes foresaids furth of the commoun magazen with all convenient diligence. And for this effect ordans and commands the Generall of the Artillerie to deliver to the said attourney furth of the said magazen the armes following, viz., ane thousand musketts with bandoleirs, 500 swords, 500 picks, [horsemens peeces (deleted)] or , and three feild peeces of three or foure pund bullett to be transported be him to Ireland for the use of his Majesteis good subjects foresaids there, whereanent thir presents sall be to the said Generall of the Artillerie ane warrant. Becaus the said attourney, in name of the persons foresaids, hes givin suretie to the saids Lords for payment of the prices of the armes foresaids in maner and at the time conteanned in his band." . . . January 1643. Order for the delivery of arms for the use of the army in Ireland.

1st February 1643. Caution by James, Lord Ogilvy, for George, Lord of Banff.

312. Bond of caution by James, Lord Ogilvie, for George, Lord of Bamff, in that the latter will not molest James, Earl of Findlater, Lord Deskford, nor his men, tenants, servants or goods; with clause of relief; dated at Cannogait, 1st February, 1643; witnesses, Mr John Fleschehour, advocate, Patrick Steuart, notary, and James Wynchester, notary, writer of the bond. Signed by the principals and witnesses.

6th February 1643. Attestation by Gabriel Cunningham, late provost of Glasgow, that James Speir, prisoner in the tolbooth of Edinburgh, is innocent of any crime. See *ante*, p. 605.

313. "I, Gabriell Cunninghame, laett proveist of Glaskou, doe heirby testeffie and declare thatt James Speir, incarcerat in the touboithe of Edinburgh att the instance of Capitane Ma^cNathe for the Franche weirs as ane wagebund and one whoe had beine sindrie tymes actid and wardit in the said toun of Glaskoue, that duringe my wholl residence in the said toune, bothe duringe my beinge placid magistrat and outt office, I naitheir hard or knew aney sik blott or blame to the said James Speir, bott in the contraeir; in witnes quherof I have subscryveit thir presents with my hand att Edinburgh, the sextine of Februar, 1643. (Signed) Ga: Conynghame."

6th February 1643. Note of execution at the instance of Alexander Strachan of Glenkindie against Patrick Gordon of Inverbucket.

314. Note of execution on 6th February, 1643, by Thomas Coutis, messenger, of a summons at the instance of Sir Thomas Hop, his Majesty's Advocate, and Alexander Strachin of Glenkindie when he went "to the dualling place of Patrik Gordoune of Enverbuchet, quhomof I vas surli informit that he vas vithin, and to the dualling place of David Tyrie of Belnaglak, and to the personalli presence of Mr Androw Ker, minister at Glenbuchet" [this last name scored through], and charged each of them to compear before the Council on 23rd instant; and he left a copy of the summons with "the defenderis ladi and wyffis in thair awin handis befor thir vitnes, Mr William Forbes of Brux, and Alexander Munzii and Robert Davidsoune in Glenkin."

6th February 1643. Note of execution against John Cordiner in Glentoun and James Kirk in Bowrig.

315. Note of execution on 6th February, 1643, by Thomas Coutis, messenger, against John Cordener in Glentoun and James Kerk in Bowrig to compear before the Council on 23rd instant as witnesses in the action by Alexander Strachin of Glenkindy against Patrick Gordone of Enverbuchet, David Tyrry of Belnaglak and James Innes in Belnabothe; witnesses, John Sibet and William Stewart, servants to the said Alexander Strachin.

7th February 1643. Note of execution against Patrick Gordon of Inverbucket, and others.

316. Note of execution on 7th February, 1643, by John Gairdyne, messenger, against Patrick Gordoune of Inverbuchit, James , David Tyrie of Balnaglak, and Mr Andrew Cari, minister at Glenebuchit, to compear before the Council at Edinburgh on ; done at the market cross of the head burgh of the shire in which these persons reside; witnesses, Adam Michall, servitor to Alexander Straquhane of Glenkindie, and George Gairdyne, [son] of the messenger.

Miscellaneous Papers.

317. Scroll of business before the Council on 14th, 16th, 21st and 23rd February, 1643. It adds as follows :— 14th-23rd February 1643. Scroll of business.

14th February, 1643. "The Counsel recomends to the commissioners for the Thesaurarie to take some course that moneyes be provydit for carieing the charges of the Justice deputs to the courts at Jedburgh and Dumfreis."

16th February, 1643. "Edward Fergusson, sworne, depons he hard David Bennet say if Williamsone were in another place he sould cause him repent that he come heer in this caise.

Mr James Clerke depons *nihil sibi.*

Robert Quhyt, sworne, depons he hard David Bennet say if he had William Williamsone in another place he sould putt a whinger in him.

James Quhyt, sworne, depons he hard David Bennet say if he had Williamsone out by he would put a whinger throw his cheiks."

"Whether or no it be fitting that the Councell take some present course for preveening all forder subscryveing of the petition for the annuitie." Fitting 12. Delay 5. There is also a draught or scroll of the act thereupon, and at the end the state of the vote—Agrees, 14; No, 2.

Edinburgh, 21st February, 1643.

"Finlater and Bamff anent the exhibition of witnesses.

The toune of Dundie and the Master of Dudop.

Olipher Mowat anent his ship.

The presbiterie of Kirkcudbright *contra* Maxwells (deleted).

Nicolas Key *contra* John McAdam and John Kennedie.

Heretors of the lordship of Balvenie their bil.

David Home and Polwart.

James Speir and Captane McNacht.

Joannes Porteous.

The Lords recommends to the Lord General, Hamilton, Argyll, Glencairne, Lauderdaill, Southesk, Callander, Balmerino, Innes and Dun, or anie 4 of thame, the General being one, to conveene and consider the best way for releaveing the present necessitie of the armie in Ireland and to report."

23rd February, 1643. There is a list of cases as on 21st, omitting three and adding

"Glenkindie *contra* Patrick Gordon,

Walter Cosbie and Robert Collesse," and

"Marion Forsyth *contra* Mr Robert Murrey."

318. Summons at the instance of James, Earl of Finlater, Thomas Black, his falconer, Alexander Anderson, his servant, and Sir Thomas Hope of Craighall, his Majety's Advocate, against George, Lord Bamff, and others, as narrated *ante*, p. 414, also against as witnesses; dated at Edinburgh, 15th February, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. There is a note of hearing on 9th March on the margin 15th February 1643. Summons at the instance of James, Earl of Findlater, against George, Lord Banff, and others.

and a scroll of the finding on the back, where there is also a note of execution of the summons on 16th February (aftermentioned). Attached to the summons are four other papers. (1 "Please your Lordships cause call the Erle of Finlater *contra* the Lord Bamff, the Maister of Bamff, James Gordone, servitor to the Maister of Bamff, Angus Bayne, servitor to the Lord Bamff. Witnesses' names summond. p. ad. Johnne Ogilvie, naturall brother to the Lord Bamff. p. ad. Patrick Gellie, his tennent at the Mylne of Raittie. p. ad. Thomas Jossie in Todhollis, his chalmerlaine. ab. testimonial—Robert Ogilvie, burges of Bamff, uncle to the Lord Bamff. p. ad. Williame Shirran, his officer; confest Patrick Gellie offered a purse to him to depone ill towards Bamff. Robert Bruce, his stewart (deleted). p. ad. Williame Broddie, his gardner in Raittie. p. ad. Walter Burne, saidler in Raittie. p. ad. Williame Davidsone, his footeman. p. ad. Patrick Dick, his footeman. Banff offered to prove that Patrick Gellie wes not in the bounds, and protested for *reprobator* in caise he sould depone he wes there. Proven, 1. No proven, 8. Finds the speeches that Bamff said Finlater wes not colonel of the shyre this yeere, and that the Maister of Bamff had a pistoll." Miscellaneous Papers.

(2) Note of execution by George Gordoun, messenger, on 16th February, 1643, of this summons against George, Lord Bamff, and George, Lord Bamff, and George, Master of Bamff, personally apprehended in Edinburgh; witnesses, Patrick Stewart, servitor to Lord Bamff, John Hammiltoun, messenger in Edinburgh, John Peirsone there, and John Thomesone, messenger.

(3) Note of execution by Willlam Middiltone, messenger, on 21st February, 1643, of this summons against Robert Ogilvie, burgess of Banff, and uncle to George, Lord Banff; John Ogilvie, natural brother to the said Lord of Banff; Thomas Jossie in Todhoills, his chamberlain; Robert Bruce, his steward; William Broddie in Raittie, his gardener; and Walter Burne, saddler in Raittie; all personally apprehended; and also against William Schirrone in Tewfurd, officer to George, Lord Banff; Patrick Gellie at the Mill of Raittie, and William Davidsone and Patrick Dick, his servants and footmen, at their respective dwelling places; and also at the market cross of Banff; witnesses, William Myill, servant to the Earl of Findlater, Andrew Smart in Banff, Walter Walker in Raittie, [James] Crewkshank in Banff, Patrick Muir in Kirksyde, . . . [torn] . . . messenger in Banff, and Patrick Leithe in Little Raittie.

(4) Note of executions by George Gordon, messenger, of the said summons, on 8th March, 1643, against James Gordoun, servitor to the Lord and Master of Banff, personally apprehended in Edinburgh; witnesses, Paul Hay, merchant burgess of Edinburgh, Alex. Keith, writer, and John Bayne, W.S.; and on 9th March, against Angus Bayne, personally apprehended in Edinburgh; witnesses, John Thomsone, messenger, and John Peirsone, post.

Miscellaneous Papers.

319. Summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Cuninghame, son of the deceased John Cuninghame, late provost of Wigtoun, against Robert Miller and others, as narrated *ante*, p. 410; dated at Edinburgh, 16th February, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is as follows:—"3 Marche, 1643. Parties personalie except the woman. The Lords finde the lybell relevant onelie in so farre as concernes the defenders violent dispossessing the persewers servants out of the houses and entering thame selffes in possession thereof and keeping the same with gunnes and shooting therefra. The first part to be provin be witnesses, the last anent the gunns be oath of pairtie. Wauchton to examine the witnesses the morne at 7 houres." 16th Februar 1643. Summons at the instance of John Cunningham, son of the deceased John Cunningham, late provost of Wigtown, against Robert Miller and others.

320. A messenger's copy of the immediately preceding summons, signed by Adam M'Kie, messenger. 16th February 1643. Copy of preceding summons.

321. Note of execution on 16th February, 1643, by John Hamptoun, messenger, of a summons at the instance of John Foirbis of Bannagask against David Barkly of Matheris, at his dwelling place and also at the market cross of Furfur, to compear before the Council on 28th February, 1643, at Edinburgh; witnesses, Alexander Lassoun, and William Syrit in Lunane, David Wilsoun, messenger in Furfur, and David Beny there. 16th February 1643. Note of execution at the instance of John Forbes of Bannagask against David Barkly of Matheris.

322. Summons at the instance of Walter Richartsone, messenger, William Blackwod in Bridgend of Dunblane, Sir John Grahame of Brako, and Thomas Drummond of Drummaquhens, as follows:—On the 13th instant the said messenger, accompanied by the said William Blackwod, his witness, having executed certain letters of spulzie at the instance of the said Sir John Grahame and Thomas Drummond against William Drummond, wood-cutter in Kippenros, the said William for this cause pursued the messenger "with ane great rung and gave him manie dangerous strakes therewith on the head and others parts of his bodie to the effusioun of his blood, felled him to the ground, and did lykewise strike the said witnes with the said rung in diverse parts of his bodie, and had almost drowned them in the water of Alloun, preast to pull his blasoun aff his breast and the letters frome him to cast them in the water." Charge is hereby given to the said William Drummond to compear before the Council at Edinburgh, on ; dated at Edinburgh, 17th February, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. 17th February 1643. Summons at the instance of Walter Richardson, messenger, and others against William Drummond, wood-cutter in Kippenros.

On the back are notes of execution of the summons, (1) on 17th February, 1643, by John Hamilton, messenger, against the said William Drummond, personally; witnesses, Malcolm Grahame, servitor to Sir John Grahame of Braco, Archibald M'Brek, notary in Edinburgh, James Kinneir, justice officer, and Robert Ros in Athrie; and (2) On 3rd March, 1643, by John Mitchell, messenger, against John Campbell in Midleros (?), John Mekilljon there, John M'Canrik, servitor to Mr James

Peirsone of Kipenros, and James Bysset there, to compear as witnesses in this case; witnesses, James Reid, mason, Adam Davie, wright, in Dubline, John Merschell in Pendreiche, and James Mekiljon in Dumdowis. Miscellaneous Papers.

17th and 20th February 1643. Note of execution of summons against Mr. William Hay of Muldavit and others.

323. Note of execution on 17th February, 1643, by William Middiltone, messenger, against Mr William Hay of Muldavit, Mr William Hay of Cloinhill, James . . . [torn] . . . , Adam Syme there, James Simone there, George Schirrer in Finnachlie, and Adam Schirrer in Clairshauchie, all personally apprehended, also at the dwelling house of Rames where Mr Andrew Hay, William Man and William Forsythe dwell, and at the dwelling house of Finnachlie where William Orde (?) and James Vacker, his servant, dwell, and John Cheyne there, and at the dwelling house of [Mulda]vit where James Lamb and William Abernethy dwell, and at the dwelling house of Cra[ig ?] where Alexander Adamsone dwells, and there he left copies of summons against all these persons, charging them to compear before the Council on 9th March next, at . . . , and answer at the instance of Thomas . . . Bathlaw, and William Challmer, his brother-in-law; also on 20th instant at the market cross of Banff; witnesses, William . . . in Rames, William Gordone there, James Forteithe in Finnachlie, John Middiltone in Fordyce, . . . Wynchester in Banff, Mr Walter Forbes there, and George Vatsone, messenger in Tureff.

20th February 1643. Notes of execution against Mr. John Logie, minister at Rathven, and others.

324. Note of execution by William Middiltone, messenger, on 20th February, 1643, against Mr John Logie, minister at Ravehen, James Cock in the Cranno, rebel, . . . in Kirksyde, John Greg in Bathlaw, and William Tallyour there, all personally apprehended, to compear before the Council at Edinburgh on 9th March next as witnesses in the action by Thomas Ord in Bathlaw and . . . Chalmer, his brother-in-law, against Mr James Hay of Mildavie, Mr Andrew Hay, . . ., Mr William Hay, William Ord and their accomplices; witnesses, James Neill in Bathlaw, John Jamesson, and William Davie in the Rawis.

20th-23rd February 1643. Notes of executions at the instance of John Cunningham against Patrick Haney, bailie of Wigtown, and others.

325. Notes of executions of summons at the instance of Sir Thomas Hope and John Cunnynghame by Adam McKie, messenger, (1) on 20th February, 1643, against Patrick Haney, bailie of Wigtoun, Andrew Millar in Barbuchtie, and Robert Millar, his son, all personally apprehended, to compear before the Council at Edinburgh on 28th February; witnesses, Thomas Stewart, sheriff-clerk of Wigtone, Mr Andrew Stewart, minister at Penynghame, and John Murdoche, late provost of Wigtone, David Dunbar of Baldone, Alexander Dunbar there, and John Cunnynghame in Clauchrie; (2) on 22nd February, against Marion Cunnynghame, spouse to Andrew Millar in Barbuchtie, personally apprehended, to compear as above; witnesses, Alexander Gordone and Coline Fraser, merchants, burgesses of Wigtone; and (3) on 20th and 23rd February

Miscellaneous Papers.

against James Keithe, burgess of Wigtone, William M°Crystene, burgess there, . . . M°Chessne, burgess there, Robert M°Kie, burgess there, John M°Kand, burgess there, George Stewart, burgess there, William M°Kie in Kirkland of Wigtone, and John Ahannay in Wigtone, all personally apprehended, to compear as above as witnesses in the said cause; witnesses, the said David and Alexander Dunbar, Patrick Calbrethe, messenger, and John M°Bea in Wigtone. On the back are noted the following deposition and note of finding:—

"Patrick Ahannay, sworne, depons, about 10 houres at night, he being in the hous and haveing a pistoll with ane old shot in it, he shot a pistoll at the wall, knowing that John Cunymghame wes at that tyme in Baldun. Denyis he vowed to shoot pistolls at anie who come there."

"The Councell finds the lybell onelie relevant for the violent entring the hous with forbidden wapons, putting the woman out thereof, threatting the persewer to shoot him, and shotting of the gunnis."

326. Notes of executions by Patrick Calbrethe, messenger, on 21st February, 1643, of a summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Cunyngham, son of the deceased John Cunyngham, provost of Wigtoun, against (1) John Stewart, burgess of Wigtoun, and [Abraham Mure in Kirremanoche[1]], both personally apprehended, to compear before the Council at Edinburgh on 28th instant, as witnesses in the complaint against Patrick Hannay, bailie of Wigtoun, Andrew Milar in Barbuchain, Marion Cunyngham, his spouse, and Robert Milar, his sone; witnesses, David Dunbar of Baldone, and John Young, burgess of Wigtoun, and (2) against Adam M°Kie, messenger in Wigtoun, personally apprehended, also as a witness in this case; witnesses, the said David Dunbar, John Hannay, burgess of Wigtoun, and John M°Bae, indweller there. At the foot is the following list of names:—John Stuart, William M°Kie, James Keith, William M°Crysten, Alexander M°Chesnie, Robert M°Kie, John M°Eand, George Stuart, John Ahannay, Adam M°Kie.

21st February 1643. Notes of executions at the instance of John Cunningham, son of the deceased John Cunningham, provost of Wigtown, against John Stewart, burgess of Wigtown, and others.

327. Supplication by Olipher Mowat, merchant in Stornoway, in the Lewis, setting forth more fully his case. He says:—"I haveing lauchfully bocht from Williame Cob ane schip of ane hundreth tun or thairby, and the same being lauchfullie delyvered be him to me ane yeir syne or thairby, quhilk I have keepit in my possessioun as my propper schip, as the richts thairof beirs, it is of verity that the said William Cob, in the moneth of November last bypast or thairby, came in ane friggot pink or ship, accompanyed with sindry men of sindry nationes, with foure peice of ordinance upon the said ship, and pat out the Kingis flag thairupone, and, my schip being lying in Starnowey at ane ancker, the said William Cob with his company boordet my said schip and intendit violently to have caried the same away be sea, I being absent for the

[1] This name deleted.

23rd February 1643. Supplication by Oliver Mowat, merchant in Stornoway, for protection that he may appear before the Council in a charge which he brings against William Cob for seizing a ship which the supplicant avers that he bought from the said William.

tyme; and, how soone the same came to my knowledge, I meanit myself to the Erle of Seafort, quha conveinit the said William Cob and me togidder before him and in quhais presence I maid knowen that the said schip was lauchfully disponet to me be the said William Cob, and that the pryce thairof was dewlie peyit be me to him except tuentie lastis herring or pryce thairof, quhilk was detined in my hand be the said William Cob his consent quhill he delyvered to me ane bill of sale declareing that the said schip was once his lauchfull schip. Notwithstanding quherof the said William Cob, within fyftine dayes thairefter, producet before the said Erle of Seafort the coppy of ane letter of marke (as appeared direct be his majesty daited at Yorke the 24 day of July, 1642, subscryvit be James Jonas, William Rapper, Henrie Sait Tobie Alman, Robert Warrenn and the said William Cob, grantit upone the petition maid to his Majestie be the said William Cob, affirmeing that I as a pirott had vyolentlie taken the said schip frome him, quherupone the said letter of marke allegit grantit be his Majesty gives power to seeke me as a pirot at ony port or harberie in Great Britane and bring the said schip and goodes and me as a pyrot to Ingland to be tryed be the lawes thairof, and, if I sould not be fund, gives powar to the said William Cob to seize one any schip or veshell belonging to the Isles of the Lewes and Orkney ather goeing or comeing to any of the saids places, or ony uther schip or barke comeing or goeing to any of the saidis places; and furder, his Majestie willis that suche shippis as ar imployed one suche or one the like assignet to weare his Majesties cullouris appoynted for his Majesties royall navy, sould attend untill the said captane William Cob had maid himself satisfaction to the value of fourtene hundreth pund sterling, willing and requyreing all his Majesties loveing subjects to ayd and assist the said Captane Cob, incais it be necessar, as they wold be ansuerable upone thair perrell, as the coppy of the saids letters of marke [bearis]. Quhairupone the Erle of Seafort causset arreist my ship and haill goods therintill quhill it wer knowen that the said ship was lauchfully bocht be me fra the said Captane Cob, quhairby I have lost my herring fisheing and uther imployment that I micht have had with the said ship, extending my saids losses to the soume of ten thowsand merks, albeit I willinglie offerrit to the Erle of Seafort that, if he wold send the said William Cob with me to Edinburgh, that he and I micht be tryed in presence of your Lordships and quhither the said letter of marke was treuly grantit or nocht, that I sould cary the said William for that effect one my owen charges, or utherwayes I desyret his lordship to have causset keep the said William in sure firmance quhill your Lordships had bene acquentit with the said letter of marke quhilk the Erle of Seafort refuisset, and hes laid up my schip and goods to ane full sea, to my great prejudice. And farder, I alledge that the said pretendit letter of marke was not granted be his Majesty; at the least, if the same be treulie grantit, the same is purchest be the said Captain Cob and his complices most surrepitiouslie

Miscellaneous Papers.

and unjustly, not only aganis me bot aganis all his Majesties good subjects of the kingdome of Scotland quha hes traffict or commerse be sea within the said kingdome, quhilkis calumnies and aspersiones unjustly ventit and spred abroad bothe to his Majestie (as appeirs) and to his good subjects aganis me be the said Captane Cob I am able to justifie in presence of your lordships and of all uthers judgis within this realme to be untreuthe, and that the said schip was lauchfullie disponet to me be the said Captane William Cob, as said is, quhenever it pleisses your Lordships to take my declaratioun theranent; bot, in respect of my manyfold troublis and losses quhilk I have sustenit divers years bygane be schipwrack and lose of my goods be sea and throw cautionrie for sindry persones with quhom I am to travell, to give every ane of thame contentment to my power, as they and I can agree, I cannot gudly repare publictly to Edinburgh to the effect forsaid without your lordships grant warrand to me to repare to the said burghe and to discharge all judgis and officers fra arreisting or warding of my persone quhill suche a tyme as your Lordships thinkis expedient." He therefore craves that their Lordships would grant him their protection to repair to Edinburgh about this matter and give warrant to the Earl of Seaforth to deliver the ship to him.

328. Supplication by George, Earl of Seaforth, as follows:—"There being some questions and differences at the Loches of the Lewes betuix Captan William Cob, Englishman, and Olipher Mouat, indweller in Stornoway, anent a ship called *The Roe*, quhilk the said Captan Cob alledged perteanit to him and wes violentlie tane frome him be the said Oliver Mouat, and I, for preserving of peace in these parts, out of the duetie of my place as one of your Lordships number, having heard thir parties severall times tuiching their differences, I referred them to discusse thair rights before the Lord [Heigh Admi]rall, notwithstanding quhairof the said Captane Cob airlie in a morning surprised the ship and made . . . her, displeying his Majesties cullours; and I having called for him to come ashoare to know [be] what warrant he did this, he shew me the copie of a warrant subscribit be a notar and witnesses quhilk boore no [*sic*] power to seaze upon this ship as his awne and failleing thairof upone [anie] Scotish ship belonging to the Ylanders of the Lewes or Orkney; lykeas I wes supplicat be certane skippers and maisters of shippes at Stornoway to free them from the skaith of the said Captane, quhereupon I recovered from the said Captane Cob the ship questiounned betuix him [and] the said Oliver, and gave band to make the same furthcoming as law will, the Captan producing his principall commission before your Lordships in Aprile nixt, and I caused arrest the . . . ship quherein the said Captane Cob wes and tooke from him his goods and ammunition and delivered them to Robert Heriot, skipper in Leith; who being now come to Leith with the same, and since what I have done heerin wes out of the duetie of my place for the peace of the

23rd February 1643. Supplication by George, Earl of Seaforth, for approval of his proceedings in the dispute between William Cob, and Oliver Mowatt.

countrie and good of his Majesties subjects," he craves their Lordships' approval of his proceedings and further directions. Miscellaneous Papers.

24th February 1643. Depositions anent the attack on the House of Glenkindie.

329. "24 Februar, 1643, in presence of Finlater.

"John Cordiner, sworne, depons he wes in the home of Glenkindie the tyme lybellit, and that Patrick Gordone and David Tyrie come under silence of night to the hous, uttered threattning speeches against the Ladie, vowing to oppresse some man who wes within, if they had him out, and he thinks David Tyrie spoke the words; depons he saw a gun or pistole fyre quhilk wes shot and the bullet lighted hard by the window quher the Ladie wes standing and that the shot come frome thame bot knawis not the man; depons he knowis nothing anent the ryot lybellit in June.

"James Kuik, sworne, depons he saw the defenders rydeing to the hous, and he hard the shot, but saw it not shot, and in the morne he saw the place quher the bullets lighted neere the window, and knowis no farder. (Signed) Findlater."

28th February 1643. Scroll of proceedings.

330. Scroll of proceedings in the Council on 28th February, 1643; also a list of cases to be called as follows:—

"Sir John A . . . [torn].
Finlater and Banff.
The Master of Dudop and toune of Dundie.
John Cunyngham *contra* Patrick Hannay.
Glenkindies processe to be advysit.
John Forbes *contra* David Barclay.
Glenkindie and Patrick Gordon *hinc inde*
William Marten *contra* William Cudbert.
James Speir *contra* Captain McNath,
Olipher Mowats bill.
David Home *contra* Polwart."

[23rd February 1643.] Oliver Mowatt. See *ante*, p. 611.

331. Supplication by Olipher Mowat, merchant in Stornoway, as narrated *ante*, p. 399. He craves their Lordships' protection and the restoration of his ship.

25th February 1643. Attestation by Gabriel Cunningham, late provost of Glasgow, that James Speir, prisoner in the tolbooth of Edinburgh, is innocent of any crime

332. "I, Gabriell Cuninghame, laett proveist of Glasgow, doe heirby testifie and declaeir that James Speir, incarcerat in the towboithe of Edinburgh att the instance of Cappitane Ma^cNathe as ane wegabund and ane whoe wes sindrie tymes wardit and actid in the said toune, that duringe my whoill residence in the said toune of Glaskou, boithe being placeid magistratt and outt of office, I neiveir hard nor kneu aneney sic blott or blame to the said James Speir bott in the contraeir. In witnes quherof I have subscryvit thir presents with my hand att Edinburgh, the twentie fyft day of Februar, *anno* 1643 yeirs, befoir thir witnessis, Alexander Cunnynghame, younger of Craigence, and Mr Johne

Miscellaneous Papers.

Henrysone, maisser of Secreit Counsell. (Signed) Ga. Conynghame; Alex[r] Conynghame, witnes; Jo. Henrysone, witnes."

333. "To compeir for the baillie of Vigtoun Patrick Ahannay and Marioun Cunynghame and Andro Miller, hir spous, and Robert Miller, thair sone. Umquhill Johne Cunynghame, sometyme provest of Wigtoune, haveing no lauchfull children of his bodie and haveing the said Marioun Cunynghame, his onelie sister germane, quhilk be the law of God and nature and be the lawis of this countrey was his undoubtit appeirand air that wald have succeidit to him in his heretaige and wes appeirand executour of law that wald have succeidit to his moveables as neirest of kine, the defunct haveing no brother or sister germane bot onlie ane halff brother on lyff and the sone of ane uther halff brother dead, both quhom shoe as onlie sister germane wald have excludit from the successioune off heritaige and moveables, notwithstanding quhairof, Johne Cunynghame, bastard sone to the said Johne, taking advantaige of the aige and seiklie dispositioun, craftilie posssesit him with hard oppiniouns of his sister and air foirsaid and of hir husband, and swa circumvenit the poore seiklie man, being on death-bed, that he moveit him to nominat himselff universall executour and legatour and causit him onlie to leave to the narrest of kine, the sister, 400 merkis, and moveit lykwayes the defunct, being on his death-bed, to dispone to him his lands and heretaiges, quha diet within ten dayes thairefter. The tyme of his death he haid in famelie with him the said Robert Miller, sonne to his sister and air, and Jonet Miller, dauchter to his said sister and air, quho wer both present at his death and remainet in the hous efter his death and in name of thair mother appeirand air. Bot Johne the bastard, upon the pretence af the dispositioun maid to him in death bed, enterrit the house upone the lad and lass, and seasit and causit sease upone the haill keyis within the hous except sume few quhilk the lad and lass still keipit and keipes, nather wald they suffer themselffis to be putt out off the house utherwayes nor be ordour of law; and Johne the bastard, haveing gottine nottice that the defunctis lauchfull sister wes to serve hir selff air to hir brother, he cam eist to Edinburgh to advyse how to prevein or imped hir, and in his absence shoe come to the defunctis house, accompaniet onlie with hir husband and with the baillie, Patrick Hannay, in sober maner without any convocatioune and stayit not thair above ane night and did not violence at all bot onlie gave directioun to the bairnes, the lad and lass, to keipe the hous to hir and not to quyt the possessioun quhill shoe micht advyse quhat legall way shoe micht tak both for warranding hir apprehending possessioun and manteing thairof and quhilk shoe micht reduce the shortest way that she could be ordour of law that wrongous dispositioune maid to hir prejudice upone hir brotheris death bed, and requeistit Patrick Ahannay, as ane magistrat of the toune, not to suffer hir bairnes to be wrongit nor in hir name nor to be trublit utherwayes nor be ordour of law.

27th February 1643. Dispute anent the property of the late John Cunningham, sometime provost of Ayr, between Marion Cunningham, his only sister, and John Cunningham, his bastard son.

" The complaint givine in against the defenderis be Johne Cunyng- hame, the bastard. Miscellaneous Papers.

" To the first pairt of the complaint, beareing that the persewer wes in possessioune both of the landis [and] moneyis, it is ansuerit that he wes nowayes enterit legallie to the possessioun, bot, be the contrair, the soun of the appeirand air wes in possessioun, being in the hous the tyme of his uncles death, quherin he hes remained not disposest till this hour in name of his mother, and remanent with his uncle in the hous with him be the spaice of more nor ane moneth befor his decease, and in his uncles lyftyme occupyeit the boothis lybellit and sauld his merchant wairis out of the samen and keipit thame within the samen; lykas his pack is zeit thair wrongouslie withholdin be the persewer, who at his owine hand maisterfullie seasit upone the keyis of the booth and maist pairt of the keyis of the houses, and did at his owine hand, without ordour of law, enter the house efter the defunctis decease and stayit thair be way of dead fyve or six dayes, bot the said Robert Miller wald not suffer himselff to be expulseit bot retenit possessioun in name of his mother, lawfull air of the defunct, albeit the said Johne labourit to corrupt Janet the sister be offering hir guid deid to pairtie him against hir mother and brother.

" *Item*, quhair it is complainit that the defenderis enterit the house violentlie and thrust out his servandis, it is ansuerit thair is no deid violence lybellit particularlie, nather could thair be any violence, sieing the tyme of the appeirand air hir entrie to the hous thair wes nane in the hous bot her tuo bairnes, and finding that hir sone did as became him in reteineing the possessioune for hir and finding that hir dauchter haid bein corruptit and inclynit to the perseweris syde shoe could not bot be offendit at hir dauchter for goeing sick ane unnaturall course against hir mother that bare hir, and soe her dauchter acknowledging hir fault, shoe left the house for some few dayes, quhill being better advysit shoe agriet to returne to the course of hir naturall dewtie to hir mother and brother and acceptit of the said Robert the keipeing of the key of the house sen his comeing furth, being summond to this complaint quhilk was no wronge bot ane warrantable continowing of possessioun.

" *Item*, quhair it is lybellit that they dange out thair horse, kye and stotis, quhairthrow the horse dyeit and the kye cuist, it is ansuerit, Johne haid not ane horse bot ane quhilk wes not put out of the stable bot dyeit in the stable befor the mother came to the house of the morte de chine now complaineit on; and as for the key, thair wes bot ane and ane quoy and the kow is not the perseweris bot is left in legacie to the said Jonet Miller, the aires dauchter, and she possesseis hir, and the quoy wes left to ane uther of hir sisteris, and all nolt kynd thair wes more wes onlie sex stotis, quhairunto the persewer claimes richt as executour, and the defenderis did nowayes expell thame out of the byres be any act or dead of violence, sick as stricking or chaiseing off thame out, bot onlie finding of thame on a certane tyme out of the byre,

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Robert Miller, to mantein his motheris possessioune as air to the houses, threw the key in the byre doore and tuik it with him for his motheris hous, quhilk he micht have lauchfullie done.

"*Item*, quhair the lybell beares that he medleit with the guidis, silver and evidentis lybellit, extending to ane blank sowme no relivant, not condiscending in particular quhat thai wer worth, bot howsoever the defenderis never medlit thairwith, nor cannot get accese to the hous to know iff thair be any geir within the samen be the perseweris medleing with the keyis thairof.

"*Item*, as for the saweing and delveing lybellit, the defenderis micht have lauchfullie done the samen to mantein the aires possessioun quhill shoe be put thairfra be ordour of law, for the appeirand air mey contínow the defunctis possessioun quhill shoe be ordourlie removeit.

"*Item*, as for convocatioune of leidgeis with prohibit weaponis, the samen is ane manifest calumnie, for thair wes nothing bot onelie in sobber maner the delveing and saweing.

"*Item*, as for the sporting and haulding aff of the persewer with stout wordis, the samen is nowayes relevant, for it is lauchfull to ane pairtie, being in possessioune of ane house, to defend thamselffis within the same and skair any that wald be way of dead inwaid the house and bereave thame of thair possessioun, especiallie quhair sick scorneing is without hurt or harme done to the persewer.

"*Item*, this haill matter depends upone the persewer and defender thair richtis, and in justeice they aucht to be remittit to the ordinar judge, no ryote haveing bein committit, and that the rather because Mareoun Cunynghame, ane of the defenderis, is servit heir to the defunct, hir brother, and is presentlie to intend reductioune of the dispositioune done in death bed to hir prejudice, to the discuseing quhairof shoe aucht to be mantenit in hir possessioun, sieing the haill towne of Wigtoune may be witnesses that the dispositioun wes maid ten dayes or thairby befor the defunct dyeit being. in death bed to ane bastard in prejudice of the richteous air."

[Endorsed] "Memorandum for Patrick Ahannay and Robert Miller," 27th February, 1643.

334. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Patrick Gordon of Glenbuchet, party grieved, as follows: —Notwithstanding of the laws against bearing hagbuts and pistols and apprehending and imprisoning of the free lieges, on October last William Stuart, servitor to the Laird of Glenkindie, with several others of his servants at his instigation, came "in a most hostile maner, boddin in feare of warre, with gunns, pistolls, swords and others wapons invasive to my lands of Easter Buchat and there patt violent hands in . . . and Alexander Kellies, tua of my servants, band thame with cords as they had beene theeves, and being his Majesties free leiges, keeped thame and caried thame with thame all prisoners to Glenkindies

28th February 1643. Supplication by Patrick Gordon of Glenbucket that Alexander Strachan, laird of Glenkindie, and William Stewart, his servitor, whom he accuses of maltreating his servants,

may be summoned before the Council.

hous of Kildrimmie, quhair, be warrand of the Laird of Glenkindie, they were putt in strait prison in the yrons and keepet thair in a close dungeon be the space of eicht dayes, quhair they had almost sterved for hunger." They crave that William Stuart and Glenkindie may be summoned to compear before the Council this day to answer hereto. (Signed) S. Thomas Hop. [On the back] "Apud Edinburgh, 28th February, 1643. *Fiat summonitio ut petitur*, ANGUS." Also note of execution on 28th February, 1643, by John Hamilton, messenger, against Alexander Strachane of Glenkindie, and William Stewart, his servant, both personally apprehended within the Parliament Close in Edinburgh, charging them to compear before the Council this day; witnesses, David Tyrrie of Blacklouch and John Malcolh, Ross Herald. [On the margin] "4 March, 1643. Persewers personallie, who referred the complaint to the defenders oath; who being sworne, the Lords ordains the Erle of Finlater to take thair oath and depositioun." On the back is also the signature of ARCH. PRIMEROSE, Cler. S. Cons.

3rd March 1643. Sir Robert Adair of Kinhilt.

335. Supplication by Sir Robert Adair of Kinhilt, as narrated *ante* p. 406. [On the back] "Edinburgh, 3 Marche, 1643. The Lords doth recommend to the commissioners to deal with the Parliament of England that the pay dew to the supplicants may be payed to the ressaver of the dewis of the Scots Armie, and declars that, in the course to be taken for supplie of the Scots Armie, they will have consideration of the supplicants troupe. (Signed) A. ARGYLL, I.P.D."

3rd–7th March 1643. Scroll of proceedings.

336. Scroll of proceedings in the Council on 3d and 4th March, 1643, as printed *ante*, pp. 406, 407: also the following, "Edinburgh, 7th Marche, 1643.

Argyle, preses; Leven; Hamilton; Eglinton; Cassills; Glencairne; Lauderdail; Southesk; Findlater; Callander; Yester; Elphinston; Balmerino; Burlie; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cambo; Innes; Wauchton.

"The quhilk day the Lord Jonston, Barganie, Kilbirnie, and Lamynton compeired before the Councel, declared that conforme to the warrand of Councell they had seene the petition exhibit be Mr Alexander Belshes, and that in the petition given in be thame on the 21 of Februar they did not intend to taxe the Lord Chancellor nor anie of his servands, bot onelie desyred that the Councel would recomend to the Excheker that upon caution they might have suspensions of the charges used against thame for payment of the anuitie; and they being asked in whose name they did present that petition they declared they did present the same for thameselffes and all who doe or will joyne with thame thairin.

"The Councell, haveing considerit the petition within written, doe declare they will take suche course heirin as may conduce most for the

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good of his Majesties service and the publict weele of the haill kingdome without considerations of anie mans particular, or petitions of this kynde.

"The Councel recomends to the Marquis of Argyle, Lauderdail, and Balmerino to draw a draught of a letter to the King acquainting his Majestie with their proceedings anent the petitions tuiching the annuitie of tithes with their humble advyce, and that a publict course may be tane in such publict bussines, and to supplicat his Majestie now as of before that a Parliament may be presentlie indicted.

[Note of votes] 20,000 lib. allanerlie, 7, and als much more being offered, or less voluntarlie, 11; betuix and Whytsonday, ——; 1 of May, 12."

4th March 1643. Supplication by Oliver Mowat, merchant in Stornoway, anent his ship which had been seized by William Cobb. See *ante*, p. 611.

337. Supplication by Olipher Mowat, merchant in Stornoway, as follows:—Upon his supplication presented upon Thursday, the 23rd of February instant, their Lordships took him acted in their books to compear whenever lawfully summoned to make the ship called the "Bush Roire of London," "furthcumand to me as law will" under the penalty of 4000 merks, perjury and defamation; and they ordained the Earl of Seaforth to deliver to him his ship and goods detained by him at Stornoway: "and seing it is not usual that any man should be actit under the lyke paine of perjurie and defamatioune in civill causes, and speciallie in this caus, seing the said schip is my proper schip as the rychtis maid to me thairupon, producit in your Lordships presence, beiris, and that schee is detained be the Erll of Seaforth but any law or arreistment," he therefore craves that their Lordships would mitigate the pains of perjury and defamation, and only put him under the pecuniary pain of 4000 merks, which is double the sum the disponer could have sought from him, had he given him warrandice and refunded his loss and expenses, "quhilk he hes unjustlie made me restoir and deburse"; also that their Lordships would write a missive to the Earl of Seaforth for the restoration of the ship and goods in answer to his lordship's letter; and further, that they would ordain the Clerk of Council to deliver up to the supplicant the disposition and discharge granted by William Cobb to him of the said ship, with the bond given to Cobb by the supplicant for the price thereof, for which there is a discharge on the back. [On the back] "*Apud* Edinburgh, 4th *Martij*, 1643. Ordanis the writs to be delyvered to the supplicant. (Signed) A. ARGYLL, I.P.D."

4th March 1643. Depositions anent the will of John Cunningham, late provost of Wigtown. See *ante*, p. 615.

338. "4 Martij, 1643. In presence of the Laird of Wauchtoun, Johne Cuninghams witnesses—Johne Stewart in Wigtoun, 36 yeeres, maried, sworne, depons he knew Johne Cuninghame, provest, to have died about twa moneths since, and that Johne Cuningham, his naturall sone, his ordinarie dwelling wes in Dumfreis, and that he wes coming and going to his father in Wigtoun, and that this halfe yeere bygane he did this, and of before about a yeere did ordinarlie reside in Wig-

toun, and that he knows not how the said Johne gott possessioun after his fathers death, but that he wes peaceablie in the house twentie dayes thereafter, and the depouner came oft to the hous to him, bought merchant wair and lint from him, and that during this time also his sister and remanent freinds defenders come oft and did visit him and thereafter goe home to thair awine hous and never querrelled his possession till he came to Edinburgh, but knowis nothing how the defenders apprehended possessioun nor what they did when they entered, and depons also that Robert Miller, who now possesses, wes not a residentar but onelie come and went to and fra as a chapman. Miscellaneous Papers.

"Adam McKie, maried, 24 yeeres, sworne, depons Johne Cuninghame wes not in Wigtoun when his father died, but came to the buriall, and that Robert Miller wes thair when he died and remained there three or foure dayes thareafter, and that he wes as a commer and goer and not as a residenter, and that Johne Cunninghame keeped the hous, sold lint, and was there about a fourth night in peaceable possessioun and the freinds came and depairted without querrelling the possessioun till Johne Cuninghame came to Edinburgh. Depons he knowes not the way of the defenderis entrie.

"Robert McKie, unmaried, 26 yeeres, depons *conformis addendo* that Baillie Hanney and McGimpsie and another entered the hous, and Baillie Hannay had pistolls at his side.

"George Stuart, unmaried, of 24 yeeres, sworne, depons he knowes nothing but by report.

"William McKie, 25 yeeres, unmaried, sworne, depons *conformis primis duobus testibus.*

"James Keith, 28 yeeres, maried, sworne, depons that Robert Miller wes a residentar with his uncle, the provest, and had his chapman wair with his uncle in the booth, and did this about twa yeeres before his death, and knowes nothing of Johne Cuninghams possessioun but be hearesay. Denyes that he knowes if Baillie Hannay entered with gunnes or pistolls.

"Alexander McJestnay, maried, 60 yeeres, sworne, depons he knowes nothing anent the possessioun, but that both parteis wer coming and going and no farther.

"Johne McEane, maried, sworne, depons *conformis primis duobus testibus* except onelie he knowes not how Bailyie Hannay entered to the possessioun.

"William McCrystie, 28 yeeres, maried, depons he knowes nothing *in causa.* (Signed) Patrik Hepburne of Wauchtune."

"4 Martij, 1643. The Lords finds no violence provin and assoilzeis fra the ryot and remitts the discussing of the parteis rights and possession and intrusion, ejection and spulzie, if anie be, to the judge ordiner, and modifeis to the witnesses, being horsemen, 20 merks, and the footmen 12 merks, to be payed be the persewer."

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339. "Interrogatouris for sum of the witnesses on thair aith to be examinied and callit on as they ar set doune in thir twa sydis. c. 4th March 1643. Interrogatories addressed to witnesses in above case.

"To speir at Johne Stewart, Adam M°Kie, Robert M°Kie, and William M°Kie in Kirkland:—

1. If they . . . that Johne Cunynghame wes in peacabill posessione of his hous be himself and his servand, Janet Miller, the space of aucht weiks or mair.

If they know that Bailyie Haney wes invited to dyne and sup with him.

2. If they know iff Robert Miller or onie of the defenderis did evir quarrell him or his servand all that tyme in his peacabill posessione and that he lay thair, dwelt thair, sauld his lint and salt thair peacabillie.

3. If they know that Patrik Haney and his accomplishis, quhairof sundrie ar adulterous persons, did enter Johne Cunynghams hous with guns and pistollis, thrust out his servand Janet Miller and dois keip the same day and night with guns and pistollis.

4. If they know that Johne Cunynghams nolt and horse ar put out and debarrit out of thair stabillis and byris violently, quhairof sum of them ar dead and all the rest ar lyk to perish in the snow on the commone streits of Wigton.

If they know that they have intrometit and debarit the said Johne from all his insight, plenishing, wrytis, evidentis and moneyis that wes within his hous.

5. If they know that upon Frydey, 10 February, that ane of thair accomplishis, callit Cok Haney, wes sent for powder and leid to shut out of that hous and that he went thair with it.

6. If they know that he awowit on that Frydey to tak Johne Cunynghams lyfe with bulletis and shuit him or kill him with uther weapons if he cam thair neir that hous.

"To speir James Keith and interrogat him on all the premissis with this eik—

"If he knowis that on that Frydey, 10 February, eftir they had vowitt to shuit Johne Cunynghame or onie that would cum thair in his name to that hous, that he knew thim to shuit out of that hous, and James Keith, knowing Johne Cunyngham and sum of his freinds to be in toune, thocht weill that Patrik Haney had shot sum of thame, quha runing to that yett fand Robert Miller to rash to that yet in his face in ane grit fear, thinking it had bein Johne Cunynghame or sum in his name, and the said James Keith, winning in at lenth in the hous, he saw Patrik Haney and Robert Miller thair with sundrie guns and pistollis and thair adulterous accomplishis, quha declairit to him that they thocht and heard that Johne Cunynghame wes cuming and approaching to the hous and if the said Johne or onie in his name sould approche that they sould not win away quik on thair awin feit, lyke as the said James saw monie bullets among thair hands and the guns in

thair hands, and that they wer castand moe bullets and wald have had him to tary with thame to be partaker both of guid and ill that sould hapin to thame, quhilk James refuisit to doe and so depairtit from thair companie to his awin hous. Miscellaneous Papers.

"To speir Robert M°Kie—

"1. If that he knows all the premisses in the other syd except the last artickle concerning James Keith.

"2. And if that he heard ane shot and knew them to shuit out of that hous upon that Frydey in the glooming of the night quhen Johne Cunynghame wes in the toune.

"Interrogatour for William M°Crystein—

"If he knowis all the interrogatouris in the first syd, and that he heard shuiting by and attour the shot that Patrik hes confest on the Fuirsdey at ellevin houris at night.

"Interrogatour for Alexander M°Chesnie—

"If that, befoir the foirsaid shotis, that he heard Patrik Haney vow to God in presence of Thomas M°Kie in Kirkland that he sould fell him with bulletis if he sould presume to cum neir his awin hous and he sould gar him be tane hame in ane pair of blanketis deid and that he knowis all that is contenit in the uther syd of this paper to be treuth.

"To speir George Stewart and Johne M°Kaine on all the premisses on both syds of this paper."

c. 4th March 1643. Further interrogatories anent the same case.

340. "Interrogatouris to be demandit at Johne Cunynghames house.

"First, to purge the witnesses of all partiall counsall.

"*Item*, to demand thame quhidder or not in all the progres of the bussines conteanit in this lybell they know that Patrick Hannay did carie about with him any gunes or pistollis, and speciallie that they know that the day of his entrie and possessioune of the hous quhilk wes on Monday, being the sext or sevint day of February last, and that they saw him quhen he enterit nather to have gune nor pistoll about him.

"*Item*, to demand quhidder or not they saw him put violent hands in Janet Miller and put hir out be force bot allanerlie shoe went out of hir owine frie will, no violence or force being done to hir be the said Patrick Hannay.

"Last, to demand quhidder or not thai know that Robert Miller, quho is sone to Marioun Cunynghame, did not possess the hous perpetuallie since the deceise of wmquhill Johne Cunynghame and war in possessioun of the samen befor, and befor the defunct his decease haid ane pack in the buith and the deponeris hes sein him sell wairis out of the said buith."

c. 4th March 1643.

341. "The interrogatouris for Johne Cunynghame aganis the pairties to be referrit to Andro Millers aith. Anent that pairt of the complaint

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to his aith that he and Marion Cunynghame, his spous, subscryit and grantit ane discharge to Johne Cunynghame, persewar, sone and executour to umquhill Johne Cunynghame, provest of Wigtone, upon the peyment of four hundreth merkis of legacie and of all that they mey or might creave be his deceis, and disponit all that could pertein to thame be birthricht of her said umquhill brother, and that he and his said spous, being contentt with that quhiche they had gotin, depairtit hame to thair awin hous peacabillie, having no intentione to troubill the said Johne Cunynghame all the dayis of thair lyftyme.

"For Patrik Haney and Robert Miller thair aith.

"To refer the abonewrittin article to the aith of Patrik Hanney and Robert Miller, becaus they ar witnesses to the discharge and dispositioun abonementionat.

"To refer that pairt of the lybell to Patrik Haney his aith that he shot ane shott furthe of the hous, suspecting Johne Cunynghame or sum of his freindis to be at the doore upon Fuirsdey at night 9 February.

"To refer to Patrik Haney and Robert Miller ther aith that pairt of the complent that upon Frydey, 10 February, Robert McCullocht being sent to them to sie if they wald render to the compliner his houses and guidis agane, that they vowed that if the complener or anie for him cam thair that they sould not go away upon thair awin but they wald shuit thame with bullettis or tak thair lyf with uther weapons."

342. "Interrogators for Johne Cunynghame his witnesses to be callit and examinat in ordour as followis. c. 4th March 1643.

Interrogatories to be addressed to witnesses in the same case.

"Johne Stewart, burges of Wigtoun, Adame McKie, burges there, Williame McKie in Kirkland, James Keyth in Wigtoun, Robert McKie, merchand burges there, George Stewart, burges there, Johne Hannay there, Johne McLeane, merchand there, William McCrystine, burgess there, Alexander McChestny.

"To speir thir interrogattouris following at thame all and everie ane of thame in generall.

"Iff thai knaw that Johne Cunynghame was in peaceablie possessioun in these houses and tenements untroubleit or molestit be ony of the defenders in ony maner of way fra the deceis of his father, quha died on the tuentie day of December, 1642, untill the 7 and aucht dayes of Februar instant; that thai know that he sauld his wair, sich as lint and salt, peaceablie out of his buithes and other wair to Alexander Herreon in Monygof, Abraham Muir in Kirremanoch, Michaell McKie in Kirkland, Robert Maughean in Bargalie, Thomas McQuharg in Ballachrie, Harie Gordoun of Creich, Alexander McChesny and Christiane Bryd and many uther persones.

"Iff thai knew Jonet Myllar to be the said Johne Cunynghame his serwand and fothered and handled his nolt continually fra the deceis of his father till the 8 of Februar last that sho was thrust out.

"*Item*, if thai knaw that scho confest and told thame that scho was his serwand and tooke victualls in his absence fra sindrie in the toun in his name and namelie fra Adame M°Kie.

"*Item*, iff thai knaw if ony uther bodie or ony of the defenders pretendit ony richt to the saids houses befoir Patrick Hannay came fra Edinburgh.

"*Item*, iff thai knaw that Patrick Hannay himselff and sindrie of the tounsmen war invited be the said Johne Cunynghame to dyne and supe with him in his hous, and that he had the saids houses als peaceablie in his possessioun as any within the toun had thairs.

"*Item*, if thai knaw that upoun the sext or sevint dayes of Februar last Patrick Hannay, Robert Myllar, Andro Myllar, Mareon Cunynghame, Johne M°Gumpsie, Patrick Cowtrane, Cok Hannay, William Stewart, all burgesses of Wigtoun, enterit the said Johne Cunynghame his hous, thrust out his servand Jonet Myllar and thrust furth his nolt and horses and put out his fyre; iff the saids nolt and horses be not sume of thame deid; iff thai be not lying in the common wayes and streitts of the said toune and ar lyke to perish; if thai be not alreddy dead in this storme, and debarres thame and will not suffer thame to cum in to thair byres and stabules.

"*Item*, if thai knaw if Patrick Hannay, Robert Myllar and thair accomplices foirsaids keipes the saids housses and hes intromettit with the said Johne Cunynghame his haill plenisching, evidents, gold and money and all that was within the hous; iff he hes provydit his said hous with powder and bulletts and shoots oftymes in the hous to the terrificatioun of the compleaner, allowing, if he came thair, that thai sall ding out all his harnes and immediatlie shoot efter that, and declairit that thai wald not suffer him to cum thair, bot upoun the perrill of his lyff.

"Iff they know that they the said Patrick Hannay and his accomplishs sanditt the locks of the compliners boothis with stonis and sand.

"Interrogatours to be particularlie speirit at thir particular persones following by and attour the preceiding interrogattours—

"First, iff Williame M°Crystine sauld muttone and beiff to the said Johne Cunynghame and went with him to his awin hous and brake it and saltit it in his awin hous and cellars thairoff for provisioun to him and his familie.

"*Item*, to interrogat James Keyth if he, being standing at his awin dore in Wigtoun, hard beseyd the said hous, knawing the defenders to be in Johne Cunnynghame his hous, hard a shoot, thinking Johne Cunynghame had bene thair and that thai had shoot at him, ran to the yet of that duelling place, and, quhen he cam thair, Robert Myllar dang to the yett in his face, thinking it had bene ane of Johne Cunynghame his folkis or himselff cuming in; at last, knawing that he was thair nighboure, opines the yet, declairing to him that it was Patrick Hannay that shot ane gun to lett his pairties know that thai war wakand and that thai war chairgeing thair gunes and makeing

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thame against Johne Cunnynghame; lykas the said James entered in the hous quhair Patrick Hannay was chairgand gunes and pistolls and had ane man casting bulletts, and wowed if Johne Cunynghame came thair that thai wald shoot him or kill him with uther weapones and make him be taken away in ane pair of blanketts dead. Robert M°Kie heard ane shoot siclyke and Williame M°Crystein also.

"To examine Adam M°Kie, John Stewart, and Robert M°Kie, iff Jonet Myllar, John Cunynghame his servand, efter thai had put hir out of the hous, came to the said Johne Cunynghame being in Wigtoun, and told him that scho was thrust out and his nolt also, and that Patrick Hannay had taken up that hous, and wald not suffer hir to cum thair nor the nolt ather, and that the nolt war in the snow lyke to perish, and desyrit him to take heid to his awin nolt and to take the chairge of thame off hir, for sho was not able to help thame any mair, sieing scho was debarrit fra the hous and the nolt fra the byres.

"To interrogat Johne Hannay iff he brake fleshe and saltit it in the said Johne Cunynghame his hous for the said Johne his use, and that he eat and drank ofttymes with the said Johne upoun John Cunynghame's chairges in the said hous."

343. "We, ministeres and wtheres wndersubscryweres be this presentes testifies wpon our consciences that whairas Robert Ogilvy, burges off Banff, being advanced wpon his journey towards Edinburgh the lenth off Kinkell, within nyn myllnes to Aberdeine, for obedience off ane chairge off the Lordes off Privie Counsell to beir witnesse in ane actione persewed be James, Earle of Findlater, and wtheres, against Georg, Lord off Banff, and Georg, Maister off Banff, he hes fallin seik and is lying bedfest and hes giwen his solemne oath to ws that be reasone off his suddaine seiknes and stormie weather he is not abell to travell nather on horse nor foott without the heasert off his lyff to Edinburghe at this tyme; and for the said Lords ther forder informatione in the said actione hes deponit also that he did not sie ane haulk killed nather be my Lord or Maister off Banff nor any off my Lord Findlateris servantes trubled nor molested be them nor be ony at that tyme alledgit in the summonds; in witness quheroff we hawe subscryvit thir presentes at Bromend off Crichie, the fourt day off Merche, j^{m}vj^{c} fortie three yeires, befoir thir witnesses, Johne Lyone of Muresk and Patrik Stewart, notar. (Signed) M^{r} Jo. Cheyne, minister at Kintor; Mr Williame Leyth, minister at Kinkell; George Setoun in Brwmend; Jhone Lyone, witnes; P. Stewart, witnes."

4th March 1643. Attestation by Mr. John Cheyne, minister at Kintore, and others that Robert Ogilvy, burgess of Banff, is unable from sickness to travel to Edinburgh.

344. Printed copy of the Acts of Council on 4th March and 11th May, 1643, relating to the Scots Army in Ireland, printed *ante*, pp. 407, and 425. Three copies.

4th March and 11th May 1643. Acts relating to the Scots army in Ireland.

6th March 1643. Attestation by John Riddell, burgess of Edinburgh, and Mr. Harry Gibson, town-clerk of Glasgow, that James Speir had never been convicted of any crime before the bailies of Glasgow. See *ante*, p. 606.

345. "Apud Glasgow sexto die mensis Martij anno Domini millesimo sexcentesimo quadragesimo tertio. Miscellaneous Papers.

"The quhilk day, in presence of me notar publict and witnesses wndirwritten, compeirit personallie Johne Riddell, burges of Edinburgh, quha past with me to Mr Harie Gibsoun, toun clerk of Glasgow, his wryting chalmber thair, and thair in name and behalfe of James Speir, chopman, inquyrit Johne Andersoun, lait bailze of Glasgow, James Hammiltoun, present bailzie thair, William Yair, clerk deputt, and quha hes bein thir saxtin yeiris bygane and mair in the said wryting chalmber, and Gawane Naesmyth, jayler of the tolbuith of the said burgh, and hes bein and continewit jayler thair thir tuelve yeirs and mair, if evir the said James Speir had bein conveinit befor the saidis judges for any fact, cryme or deid, and if that ther wer any act sett doun against him in the said toun buikis, or if that ewir he was incarcerat in thair tolbuith for any fact done or alledgit to be done be the said James Speir, quha answerit all in ane voice that thay nevir hard of sick a man and that they knew not sick a man, and to thair mynd, knowledge and memorie they kend nothing of sick a man, and that the said James Speir neither was incarcerat in thair tolbuith neither was their any act against him in thair bookis to thair mynd and memorie. Upon the quhilkis all and sindrie the premisses the said Johne Riddell, in name and behalfe of the said James Speir, askit and cravit instrumentis, ane or mae, in the handis of me, notar publict, and witnesses wndirwretten. This was done in the said wryting chalmber at day, yeir and place foirsaid, betuixt thrie and four houris aftirnoone, being present James Forgiesoun, William Wallace, maltmen, and Robert Jonstoun, cordoner, witnesses callit and requyrit to the premisses.

"Ita est Mr Johannes Smyth, notarius publicus in premissis requisitus, testantibus his meis signo et subscriptione manualibus."

c. 6th March 1643. Statement by James Bell for Captain M^c^Math to the effect that James Speir is a notorious thief and has often been in prison.

346. "I heawe tryed conserning James Speir and findethe that he hes bein sewerall tymes heir incarcerat and knawne to be ane notorious theife; he was at ane tyme in prysoun heir eghtein weikes and actit newar to be fund heir as ane wagabound or without tread, wtherwayes to suffer as ane malefactor; his wyfe hir name is Issobell Ramsay, ane great lustie woman, he himselffe ane thik braid sett man about threttie fywe yeiris or thairby. Thair was ane woman called Robertsoun, wtherwayes the Hiland cow, that suffert deathe heir within thir sax weikes last past, quha in hir last depositioun deponed that the foirsaid Speir and his wyfe Ramsay was only they quha held hir on the tread of thift, and that thair was few commoun theifes bot these tua had intelligence with them. (Signed) James Bell. For Capitane Ma^c^Mathe."

7th March 1643.

347. "Whairas I, Johne Ogilvy in Bamff, being chairgit befoir the Lords off Privie Counsell to beir witness in ane actione persewed be

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James, Earle off Findlater, and utheris against Georg, Lord of Banfe, and Georg, Maister of Banff, his sone, anent the alledgit killing off ane haulk, and being ernestlie delt with be Alexander Dowglas and utheris to depon in favoures off the said Earle off Findlater, lykas he for that effect, contrair and against my will, hes constrained me to come alongs with him to Edinburgh in ane privat way, thairfoir being moved in conscience and out of the sense off their indirect dealling with me and for cleiring my honestie in the said mater I do be thes testifie and declair upon my salvatione that I did not sie ane haulk killed nor wrongit be my Lord nor Maister off Banff nor any off the Earle off Findlateris servantes trubled nor molested be them nor ther servantes at that tyme alledgit in the summondis; in witness quheroff I have subscryvit thir presents at Edinburgh, the sevint day off Merch, j^{m}vj^{c} fourtie three yeires, befoir witnesses, Johne Lyone off Muresk and Alexander Keith, agent in Edinburgh. (Signed) Johne Ogilvie; Jhone Lyone, witnes; A. Keith, witnes."

Attestation by John Ogilvy in Banff that he never saw a hawk killed by Lord Banff and others.

"9 Martij, 1643, produced be Bamff."

348 Receipt by John Jossy, merchant burgess of Edinburgh, receiver for the Scots army now in Ireland in absence of William Thomson, general receiver for the Scots army, to John, Lord Balmerinoch, for £6000 lent by him towards the maintenance of the Scots army in Ireland, to be repaid to him and his heirs in terms of the Act of Council of 4th March, 1643; dated at Edinburgh, 7th March, 1643; witnesses, James Browne, servitor to the Earl of Hadingtone, and Harry Wilkie, servitor to the discharger. The deed is written by Henry Kinneir, another of his servants. (Signatures.) At the foot is noted, "Edinburgh, 9th Marche, 1643. Presented in Councel and act past heirupon. (Signed) ARCH. PRIMROSE, Cler. S. Cons."

7th March 1643. Receipt by John Jossy, merchant burgess in Edinburgh, interim receiver for the Scots army in Ireland, for £6000, to John, Lord Balmerino.

349. Similar receipt by the same to John, Lord Balmerinoch, in name of [William] Earl of Louthian for £6000, dated and attested as the last, and with the like note at the foot.

7th March 1643. Similar receipt to the same.

350. "Interrogatours to be asked at the Erle of Finlater his witnesses *contra* the Lord Bamff and the master, his sone.

c. 9th March 1643. Interrogations to be addressed to the Earl of Findlater *contra* Lord Banff and his son.

"*Item*, that they be deeplie and solemnelie sworne.

"First to examine the witnesses and everie ane of thame upoune the haill headis of the lybell as the samen ar conceivit and sett doune, and particularlie gif they did not heare the Lord Bamff give command to Angus Bayne or any uther of his servandis being with my Lord who wes going at the plewes, to go to his place of Raittie and to call for his servands to come out to him.

"*Item*, gif they saw the servandis comeing from the hous having hagbots, carrabeins and pistollis,

"*Item*, gif they hard the Lord Bamff give command to his servandis to

goe to these falconeris and to tak from thame the hawckis and the fowles quhilk they had slaine, and to bring the same to him. Miscellaneous Papers.

"*Item*, gif they saw these servandis, who wer sent to pull the hawckis, bothe or ane of thame, aff the boyis handis, and to beat the boy, and that they brocht the hawckis to my lord.

"*Item*, gif they hard my lord give command to the master, his sone, (when he saw the thrid hawcke, quhilk wes on wing, licht upoune the keame? of rig), goe and fetch the hawck, and saw the master goe toward the hawcke and shute the hawck dead, and tak the dead hawck be the wing to bring hir to his father, and give the master did not hurt his hand with shooting of the pistol being hard chargit.

"*Item*, gif they hard Thomas Blak, falconer, compleine to my Lord Bamff of the evill usage of the hawcks, and that my Lord Bamff ansuered 'Gett yow gone, ye may be blythe that ye escape so, your master is not colonel in the shyre now,' and therefter hard him speake thir wordes 'Goe, take the dead hawcke to be yule meate to the Lord and Ladie.'

"*Item*, to examine Williame Shirran upoune the particularis abonspecifeit, and gif he deny the samen to ask gif he did not declare the treuthe thereof to Patrick Gellie, ane other of the witnesses, and heirupoune to confront Patrick Gellie with William Shirray.

"*Item*, to examine the saidis two witnesses upoune the lybell and haill particularis foirsaidis severallie, and gif any of thame, being severallie examined, deny, to ask thame upoune the great oathe gif they can refuise bot that they did professe and declair the truethe of the lybell and interrogatours foirsaidis to utheris, viz., Johnne Ogilvie to Patrick Gellie and Patrick Gellie to Johnne Ogilvie, and gif they deny thame to confront thame mutuallie."

c. 9th March 1643. Interrogations to be addressed to the witnesses of the Earl of Findlater.

351. "Interrogatouris for the Erll of Findlaters witnesses.

"1. First, quher they war the tyme of the alledgit schot, and if they remember quho wer present with tham.

"2. Iff any of tham sawe the schot, be quhom it wes schot, at quhat place, and howe near the barneyards of Reattie.

"3. Quhidder or not, efter the said alledgit schot, the falcon flewe away ane great space and lichted besyid the falconeris.

"4. Quhat my Lord Banf his behaviour wes all this tyme.

"5. That everie ane of tham give ther certane cause of ther knoweledge of all and everie on of the premisses and of everie particular that sall happin to be speirit at tham."

9th March 1643. Depositions by the witnesses of Lord Findlater

352. "9 Martij, 1643. William Sheroun, officer, sworne, depons he wes not present at the haulkeing and he saw nothing, bot he hard a shot and saw reik, and therafter he saw a haulko flee, bot knowis not who shot the haulke or if she wes shot at all. Depons he [saw] no violence nor hard the speeches alledgit against the Lord Bamff, and depons Patrick

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Gellie come to the deponer and dranke with him tua dayes and offered money to goe with him to the Ladie Finlater and to depone in this erand as he sould doe against Bamff.

"William Brodie, gardner, sworne, [depons] he wes in his awne hous at the doing of the deid lybellit and nather hard nor saw the deid lybellit nor hard the words lybellit.

"Walter Birnie, saidler, depons upon oath he wes not at the place nor deid lybellit, bot wes in a drinkeing hous, nather did he come out thairof, and knew nothing thairof bot what he hard 48 houres after the alledgit deed.

"William Davidsone, sworne, depons he wes in the stable the tyme lybellit, and that he come not out of the stable for tua houres after the deid wes alledgit done and saw nothing thairof.

"Patrick Dick, sworne, depons he wes within my Lords closse and nather saw nor hard the deid lybellit.

"John Ogilvie, sworne, depons on Tuesday last at night, as he wes in his bed, Muresk and Alexander Keith come in to him with a written paper and desyred him to subscryve the same, and said, if he refuised to subscryve the same, he would [not] get mony of Bamff, quhilk he did, albeit the same wes never red unto him, nather did he read the same nor knew not what wes in it, and depons as yit he knawis not what is in it. Depons he saw the falconers at the burnesyde, and that he hard the Lord Bamff give direction to bring the haulks and leids (?) to him, yit offered to doe no wrong and bad no bodie doe anie wrong. Depons he hard a shot of a pistol and saw the reik, bit knawis not who shot it; onlie, after he hard the shot, he saw a haulke flee up and then fall doun dead; and that thairafter the falconer come to the Lord Bamff and said his father would not have used him so, quherupon the Lord Bamff answered and bad thame goe home, for Finlater wes not now crowner of the shyre this yeere. Depons the Master of Bamff and Bamff servants had pistolls and gunns. (Signed) ARGYLL, I.P.D.

"9 Martij, 1643. John Lyon of Muresk depons that, haveing conference at home with John Ogilvie who oftymes told him that he did not see the Master of Bamff shot Finlaters haulke, nor saw he Bamffs serwands doe anie wrong to Finlaters servante, and hearing since he come to the toune that John Ogilvie might be delt with to depone otherwayes he went to him and asked if he would abyde at what he said, who answered he would; quherupoun the deponer made the declaration and presented and red the same to him in presence of Alexander Keith to him who onelie chopped at these words concerning Doctor Dowglas, and subscryvit the same. Demandit if the Lord Bamff gave the deponer direction to procure this declaration, depons he told Bamff that John Ogilvie had said so muche to him and he beleived he could procure the same under his hand, and that Bamff assented and gave way to him. Demandit if he threittned John Ogilvie to give this declaration, depons he said to him, if he depond otherwayes nor he had alreddie declared

to him wes truthe, that he deserved none of Bamffs good and wes not worthie of anie mans favor. Depons he did not show the declaration to Bamff. Miscellaneous Papers.

"Bamff being called depons and acknowledgit that a maisser desyred him from the Marquis of Argyle not to speake nor meet with anie of the witnesses, quhilk he punctuallie obeyed; bot Muresk haveing told him that John Ogilvie had declared to him that he saw not the Maister of Bamff kill the haulk nor Bamff servands doe anie hurt to Finlaters, and that he could have it sure frome John Ogilvie under his hand; bott that Bamff himselfe did nothing in it bot give way to him.

"Ordans the Lord Bamff and Muresk.

"The Lords, in respect that the Lord Bamffe being charged be ane maisser of Councell not to medle nor speake with the witness and that be his knawledge John Ogilvie hes beene delt with to give depositions in this erand be Mouresk and that Bamff himselfe produced the said declaration in judgment, ordans Bamff and Muresk to be committed to prison within the tolbuith of Edinburgh thairin to remaine during the Councels pleasure.

"9 Marche, 1643.

"John Ogilvie, sworne and demandit how he subscryvit the declaration under his hand, depons Muresk on Tuesday last at night come to him and moved him to subscryve the declaration and the deponer never red it, but Muresk said if he would not subscryve it, it would doe him harme. Depons farder the declaration wes never red before him or in his hearing.

"Patrick Gellie, tenant, sworne, depons he saw the falconers haulkeing tua lenthes of a rig fra Bamff barneyaird, and he saw Bamffs servants comeing fra the Lord Bamff towards the place quher the falcons were, bot knawis [not] what direction Bamff gave thame, and that Angus Bayne come and pulled the wallet over the falconers heid and that the Maister of Bamff come doune with a pistoll in his hand quhilk he saw him bend and shoot at the hawck quherwith he shot the haulke presentlie dead, and that the hauck never rose againe, nor flee. Depons the Maister of Bamff kneeld to the ground to visee the shot, and when Finlaters servants compleaned to Bamff of the hard usage he hard Bamff ansuer, Take up your hawlk and carie home to be Yule meat to the Lord and Ladie, and tell my Lord Finlater he is not crowner of the shyre this yeere. Depons upon oath that he hard and saw as is abovewritten.

"Thomas Jossie, sworne, depons he wes with Bamff, who wes going at his pleuche, and that he hard not Bamff give anie direction or send anie of his servants to doe anie thing heerin. Depons or the deponer come in sight of the falconers, who were tua rig lenthe fra Bamffe hous, he hard a shot of a pistoll, bot knawis not if a hawck wes shot at that tyme, and he saw no haucke bot one that he saw fleeing after he hard the shot; depons he knawis no farder. (Signed) ARGYLL, I.P.D.

Charge against the

"Finds nothing provin in this complaint to enferre a ryot except the

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carieing of pistolls against the Maister of Bamff, for which remitts thame to the Comissione of the Thesaurie, and ordans Finlater to pay the witnesses expenses, 12 lib. horsmen, 8 lib. footmen; and ordans Finlater and Bamff presentlie to find caution for keeping the peace to others, under the paine of x^m merks." Master of Banff of slaying Lord Findlater's hawk not found proven.

353. "*Apud* Edinburgh, *nono Martij*, 1643. Forsamekle as Johne, Lord Balmerinoch, hes payed and delivered in reall money to John Jossie, deput to William Thomsone, Commissar of the Scots armie in Ireland, the soume of six thousand punds Scots, as hes cleerlie appeared to the Lords of his Majesteis Privie Counsell be the discharge upon the recept thereof granted be the said Johne Jossie and this day produced in Counsell of the date the seventh of Marche instant, therefore the Lords of his Majesties Privie Counsell, according to ane act made be them with consent of the commissioners for the peace and commoun burdens upon the fourth of Marche instant, doe declare the said soume of six thousand pund Scots to be lent be the said Johne, Lord Balmerinoch, for the present supplee of victuall and cloths for the Scots armie in Ireland, and that the same sall be payed to him, his airs, executors and assignayes conforme to the act abovewrittin. Extractum de libris Actorum Secreti Consilij S. D. N. regis per me Archibaldum Primerose, clericum ejusdem, sub meis signo et subscriptione manualibus. (Signed) Arch. Primerose, Cler^s. Cons." 9th March 1643. Acknowledgment of the loan of £6000 Scots by John, Lord Balmerino, for the support of the army in Ireland.

354. Similar Extract of Act of Council in reference to the loan by William, Earl of Lothian; dated and signed as the last. 9th March 1643. Acknowledgment to Earl of Lothian.

355. Supplication by Dr. Alexander Douglas, provost of Bamf, as follows:—Because during the late troubles he refused to follow Lord Bamff and his courses against the peace of the country, his lordship and his son bear him "no small evill will," and he has heard that they have threatened "to be about with me for my bodily harme and to worke what mischeefe they can aganis me." As they are to appear before their Lordships this day, he thought it right to mention this and to crave that they may be placed under good caution for the supplicant's safety. *c.* 9th March 1643. Supplication by Dr. Alexander Douglas, provost of Banff, for caution on the part of Lord Banff.

356. Supplication by Patrick Gellie, as follows:—He was summoned at the instance of the Earl of Finlater to compear as a witness in his suit with Lord Bamff and his son, and, because he "compeirit and declarit the trewth, sensyn the said Earle hes conceaveit sic a deadlie hatred againes me that gif his lordship and his sone wer come to the north I wald not be able to keip my awin hous." He therefore craves that before Lord Bamff and his son are put to liberty "they may be bund up for guid cautione for my indemnitie upone considerable soumes." *c.* 10th March 1643. Supplication by Patrick Gellie for a similar caution by Lord Banff.

11th–12th March 1643.

357. Edinburgh, ij Martij, 1643. Sederunt. Miscellaneous Papers.

Councel:—Chancellor; General; Argyle; Hamilton; Glencarne; Casillis; Lauderdail; Southesk; Callander; Dalhoushie; Yester; Burlie; Balcarres; Advocat; Justice Clerk; Treasurer Depute; Wauchton; Cambo.

Conservators of peace.

Conservers of Peace:—Chancellor; General; Argyle; Hamilton; Glencairne; Lauderdail; Callander; Wauchtoun; Cambo; Freeland; Lag; Sir Patrick Hamilton; Kerse; Warestoun; John Smith; Edward Edgar; Hew Kennedie; William Glendoning; Robert Barclay; James Sword; Thomas Bruce; John Corser.

Money for the troops in Ireland.

Ane act past for prorogating the tyme appoynted for lening of money for the releiffe of the armie in Ireland.

Edinburgh, 12th Martij, 1643.

Councel:—Chancellor; General; Argyle; Hamilton; Morton; Cassills; Lauderdail; Callander; Southesk; Balmerino; Balcarres; Glencairne; Dalhoushie; Yester; Burlie; Clerk Register; Treasurer Depute; Cambo; Wauchton; Justice Clerk; Advocat.

Conservators of peace.

Conservers:—Chancellor; General; Argyle; Glencairne; Hamilton; Lauderdail; Callander; Kerse; Wareston; Wauchton; Cambo; Wedderburne; Sir Patrick Hamilton; Freeland; Thomas Bruce; William Glendoning; Hew Kennedie; Mr. John Corsane; James Suord; Robert Barclay; Edward Edgar.

The Council, Commissioners for the Peace, and the Commissioners for the Common Burdens to consult jointly on public affairs, and a Convention of Estates to be summoned.

It is this day thought fitting be the Councel, Commissioners for the Peace and Commissioners for the Common Burdens, that in respect of the present condition of the publict affaires of the kingdome, that at this tyme the saids three judicatories sould consult and resolve joyntlie what course is best to be tane thairanent. It is also agreed be the Councell, Comissioners of Peace and Burdens that it is necessarie at this tyme that ther be a Convention of the Estates, that the advyce and resolution of the kingdome may be knawin anent suche things as sall be represented to thame be the Councel or Comissions forsaids, according to thir severall commissions; and that in respect of the necessitie of publict affaires that the time of the Convention be presentlie appoynted, and warneing presentlie given to all parties haveing interesse, and his Majestie acquanted therwith.

15th March 1643. Summons at the instance of Sir David Cunningham against Gabriel Porterfield of Hapland for

358. Summons at the instance of Sir David Cunninghame of Robertland, and Sir Thomos Hope of Craighall, his Majesty's Advocate, narrating that notwithstanding that the bearing of hagbuts and pistols and the convocation of the lieges is strictly prohibited by law, and that the said Sir David is duly infeft in the lands of Waterland, Halkett and Hessilbank, and mill and pertinents thereof, and that they have been

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peaceably possessed by him and his predecessors by setting of tacks and uplifting the rents thereof past memory of man, especially that part of the lands of Halkett lately possessed by Alexander Wat, but which was renounced by him in favour of the said Sir David, and concerning which and a seventh part of the lands of Halkett there is presently an action depending before the Lords of Session between the said Sir David and Gabriel Porterfeild of Hapland as yet undiscussed, the said Gabriel, "fearing the event of the actioun becaus of the infirmitie of his clame, resolved be way of bangsterie to apprehend the possessioun quhilk law wald not allow. And for this effect, upon the day of Marche instant, he convocat together Johne Cumming, Johne Giffin, Johne Dunlop, Johne King and Neill Alexander, his servants, Johne Andersons, elder and younger in Braidlie, Allane Andersone in Craigheid, Johne Watt in Brockillmure, Thomas Howeis, elder and younger thair, Patrik Galbraith and William Smith thair, Johne Wyllie and Thomas Watt in Gilles, Johne Dunlops, elder and younger in Hill, Johne and William Rosses thair, Johne Howeis, elder and younger, Allane Howeis, elder and younger, Thomas Howie and Adam Cunningham in Neather Aikatt, Johne Dickie and Thomas Howie in Ryburne and Thomas Stevensone in Lochrigills, to the number of persons, all armed with muskets, poulder, ball, picks, banded stalffes, swords and others weapons invasive, and with the convocation came in hostile maner to the lands last possest be the said Alexander Wat . . . yocked tua plewes, teilled and harrowed the same, resolved by this convocatioun and carrying of forbidden weapons, as he has violentlie apprehended, so to keep his possessioun, in contempt of law and justice." Charge is given for citing these persons to compear before the Council at Edinburgh on 1st June next, and also as witnesses, William Camroune at the kirk of Dunlop, Allane Andersoune in Craigheid, John Andersoune, elder and younger in Braidlie, John Giffone, James King and John Cumyng, servitors to Gabriel Porterfeild of Halpland, James Mure in Halpland, William Eglintoun in Lochridge, John Burne in Waterland, John Wat in Brokelmure, and Alexander Stirling in Over Halkett, The summons is dated at Edinburgh, 15th March, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is the following note of compearance—"1 Junij, 1643. Parties personally. Robertlands brother named Southhuik, and James Campbell, and Hapland nominat Alexander Porterfeild of that Ilke and to whom they submitted."

injury done to the said Sir David's lands.

359. "My Lordes, Haveing (be vertew of ane commissione granted be your Lordships the fyft of July last) ane preist within our tolbuith of Banff apprehended be Sir Alexander Abercrombye, younger of Birkinboig, one of the commissioneris exprest within the said commissione, quhich preist for the present was in the hous of James Forbes of Blaktoun, ane excommunicat Papist, within the parochin of Kynnedour, and haveing resaved his depositiones befoir the presbiteries of Turreff

21st March 1643. Supplication by Sir Alexander Abercromby younger of Birkinboig, and others anent a priest who is a

prisoner in the tolbooth of Banff.

See *ante*, p. 416.

and Fordyce, as the saids depositiones of the said preist under the handes of the moderator and presbiteries clerk thair assembled and sent heir- with at more lenth will informe your lordships; these are thairfoir humblie petitioning your lordships that you will be pleased to give ordour for the speidie transportatione of the said preist from out the tolbuith of the said burgh of Bamff quher he doeth lye to the nocht small chairges of the inhabitantes; as also that your lordships will be pleased to set doun ane solid ground how to behave in tyme cumming anent the apprehensione of sic trafiquing preists and otheris mentionat in the said commissione, namelie quhidder the forsaidis persones, being apprehended, shall be committed to the nixt prisones or shall be direct unto the prisones of the shyre quher they are takin and how thay shall be intertained dureing the tyme of thair abode thair, quhich is the humble petitione and desyre of your Lordships most humble supplicantes—(signed) Abercromby; Robert Wilson, shiref depute of Banff; M. Douglas, provost of Banff; Gilbert Mair, bailliff; A. (?) Cuming, baellie, Banff, 21 March 1643."

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[Addressed on back] "For the Right honorabill the Lordes of his Majesties Privie Counsell."

28th March 1643. Supplication by Mary Stewart, daughter of the deceased Andrew, Lord Stewart of Ochiltree, for summons against Robert Penman, servitor to Mr. John Abernethy, writer, who has illegally warded the supplicant in the tolbooth of Edinburgh.

360. Supplication by Marie Stuart, lawful daughter of the deceased Andrew, Lord Stuart of Ochiltrie, and widow of John Kennedie of Blairquhan, as follows:—Her late husband in their distress moved her to give band with him for £312 to Bessie Weir. After her husband's death, "being in hous with her, I corroborat the same upon this conditioun, that I sould not be troubled till I wer able to pay the same; and accordinglie for the space of six yeeres after the granting of the bond, so long as she lived I wes never troubled till that latelie, she being dead, Robert Penman, servitor to Mr John Abernethie, writter, tooke out of her kist the said band with ane blank assignatioun and insert his name and putt me to the horne and raised captioun, wherewith he caused apprehend and committ me to prissoun in the tolbuith of the Cannogait, where I am like to sterve for want of interteanment." She craves summons against the said Robert that he may be ordained either to liberate or support her. [On the back] *Apud* Edinburgh, 28 *Martij*, 1643. *Fiat summonitio ut petitur.* J. CARMICHAELL." Also, note of execution of summons on 29th March, 1643, by J. Grahame, messenger, against the said Robert Penman, personally apprehended in Edinburgh, to compear before the Council at Edinburgh on this 29th of March; witnesses, Alexander Porteous, messenger in Edinburgh, and Alexander Stewart, baker, burgess there.

29th March 1643. Supplication by James Scott, son of Robert Scott

361. Supplication by James Scott, lawful son to Robert Scott of Wall, as follows:—David Broune, saddler, burgess of Edinburgh, having causelessly conceaved a deadly hatred against him, on the 9th instant, while the supplicant was alone and engaged upon his lawful business,

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of Wall, for liberation from the tolbooth of Edinburgh, where he lies illegally warded by David Brown, saddler, and William Duff, servitor to Lord Saltoun.

caused apprehend him and warded him in the tolbooth, and that without any conviction or lawful warrant. He has now been in ward for twenty days and having nothing wherewith to support himself is like to starve. His incarcerator refuses either to liberate or maintain him. Further, since his imprisonment he has been arrested in ward at the instance of William Duff, servitor to Lord Saltoun, upon a wrongful warrant as he is noway indebted to him. He craves therefore that these persons may be cited and ordained to liberate him. On the back is a scroll of their Lordships' finding in the case on 29th March, 1643, as narrated, p. 418 *ante*.

5th April 1643. Depositions in the case of Andrew Rendall in Gill and Barbara Sinclair, his spouse, *versus* George Sinclair of Rapnes.

362. "At Kirkwall, in the Consistoriall place thair, the fyft day of Apryle the yeir of God, j^{m} v^{c} fourtie thrie yeirs, anent the commissioun direct be the Lordis of his Henes Secreit Counsale of Scotland, to Patrik Smyth of Braco, James Baikie of Tankernes, and Villiame Craigie of Gairsay, of the dait the fourtene day of Junij last bypast, for taking tryell in the complaint gevin in befoir the saidis Lordis be Andro Rendale in Gill and Barbara Sinclair, his spous, against George Sinclair of Rapnes, efter summonds direct out be the saidis commissionaris, quhairby witnesses and the saidis pairteis wer lawfullie summond to this day, compeirit personallie the saidis Andro and his spous and producit the said commissioun with the witnesses efter specifeit for proving thair said complaint. Compeirit also the said George Sinclair and producit a doubill of the said commissioun and set Williame Seatter, being uncle to the said Andro, and Mitchell Rendall, being his brother. Admitted Thomas Rendall in Berridaill, albeit his uncle, and Thomas Rendall in Newbigging, brother bairnes with him, and Andro Couper, sister bairnes, and admittit also the rest underdeponing; and in respect of the saidis admissiounes protestit the haill witnesses might be deiplie sworne and purgit of partiall counsall, quhilk wes done in presens of the saidis pairteis; and producit also ane contract betuix him and the saidis Andro and his spous for proving the kyndnes of the rowme of Gill to be disponit to him befoir he had procurit his Majesties letter for making him rentallit tenent thairof as of uther landis contenit thairin. Mr David Watsone, minister, protestit for his expenses, being cited befoir the saidis Lordis of Secreit Counsale, and compeiring wes not called, and in respect also of his new citatioun and compeirance befoir the saidis commissionaris; lykeas the rest of the witnesses, efter deponing, protested for thair expenses also; quhilkis were referrit to be modifeit be the saidis Lordis.

"Mr David Watsone, minister at Westray, of the aige of fourtie yeiris, maryit, deponis that anent the aughtscoir punds allegit payit be the said Andro Rendall in name of entrie be himselff aught yeir since or thairby, delt with George Sinclair for the said Andro that the said George sould not remove him from the lands of Gill, and the said Andro promist to pay to him ane hundreth and twelff pundis and for the

quhilk the said George faithfullie promist not to trubill him, bot to mantene him in the possessioun of the saidis landis and not to hight nor alter the dewtie thairof sa lang as he wes abill to labour be procuring discharges of his Majesteis dewteis yeirlie, and that Mitchell Rendall, his brother, sould have payit the money bot knew not whither it wes payit or not. Deponis also that a quoy that Andro Rendall labourit lay ley one yeir, bot the nixt yeir, at Mr Davidis request to Ropnes wyff, the said Andro labourit the quoy and as yet possesses the samin. Deponis that anent George Harcas his stricking and dinging of the said Barbara he knew nothing bot by hir owine declaratioun, and that he saw hir hurtis bot knawis not who gave thame. And anent the rest of the bill and commissioun deponis *quod nihil scit.* Miscellaneous Papers.

"Mitchell Balfoure of Garth, of the aige of thriescoir ten yeiris or thairby, maryit, deponis that the said George Sinclair confest to him he got moneyis fra the said Andro Rendall for entrie, bot knowis not the quantitie; and anent George Harcas he knew nothing, bot that the said George Sinclair wes not in the yle quhen the wrong sould have bene committit. Anent the sex riggis mentionat in the said commissioun, deponis he knew nothing thairof, bot that George Sinclair hes thame and the said Andro labouris a quoy in the Ness perteining to the said George, and anent any uther thing he knawis not.

"Thomas Rendall in Berridaill, of the aige of thriescoir sextene yeiris, maryit, deponis that the said George Sinclair, present takisman of the teynds, had indeid the said Andro Rendall his onset teynd, extending to twa settins beir on the beir pundler for ilk penny land, bot exactit no moir, the land paying als muche in umquhile John Beinstouns tyme, who wes last takisman, and deponis also that the sexpenny land of Gill wes a pairt of the threttie sex pennyland of Rakwill, and that the kyndnes of the tak come to the said Andro be dispositioun from James Rendale, sone of umquhile Thomas Rendall, sumtyme possessour thairof. Deponis anent the perambulatioun that the said George Sinclair come onlie with sum nighbours of the towne to the lands thairabout, thinking that four penny land of his war not so good as four penny land of Andro Rendallis sex. They went and the said Andro in companie the first day, and sightit the land of consent, bot on the morning cumming againe the said Andro come not, and, not having warrand from the shireff, they left all thingis as they fand thame and ilk persone possest as they did befoir. Anent the sex riggis, deponis that Ropnes hes thame, bot knawis not upoun quhat condition except onlie that Andro Rendale labours a quoy in the Ness perteining to Ropnes. Anent laying a pairt of the said Androis landis waist, deponis that Ropnes and the nighbouris thairabout come to a quoy of land than in the possessioun of Andro Rendale and in a maner devydit it by drawing furris thairthrow, quherby the said quoy lay ley ane yeir, bot the nixt yeir (efter conference togidder) the said Andro returnit and possest the same, whilk he does as yet. And anent Malcolm Sinclair,

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sone to the said George, his cumming with ten persones hurting and dinging of the servands at the mure, knowis nothing, bot for the turffis that wer castin they ar standing thair as yet unled away.

"Thomas Rendall in Newbigging, of the aige of threttie yeiris, mareit, deponis that anent the teyndis Rapnes exactit no moir nor umquhile John Beinstoun, last takisman, did exact Deponis that he saw Barbara Sinclair come to George Harcas, lowsit the creill and let the wair of one of his maisters horse fall out, and saw thame thairefter strugling togidder, but knawis no moir; and that quhen he saw thame he wes at his pleugh. Deponis also that the quoy lay ley, but knawis not why it lay, bot hes bene labourit be Andro sensyne. Anent the rest, deponis *quod nihil scit*, except that the turffis ar standing unled as yet.

"John Rendale in Rakwik, of the aige of thriescoir yeiris or thairby, maryed, deponis anent the perambulatioun, and anent the sex riggis *conformis* Thome Rendall in Berridaill, and anent the rest knawis nothing.

"Andro Couper in Minaclay, of the age of threttie yeirs, unmaryed, deponis that he saw George Harcas come out of his maisters wair and went to Barbara Sinclairs wair and, having put on a laid thairof, scho coming from hir owin hous pullit out the creill band and let the wair fall, whereupoun he schot hir with his airme and the forkschaft so that scho fell and rysing up againe they graplit togidder and betuix him and the horse that wes scarre scho fell againe to the ground, bot saw no moir, and deponis he wes a bowschote from thame and went his wayes. Anent the sex riggis, deponis *conformis precedenti.* Anent the mure and turffis, deponis that he and twa boyis with him wer casting turffis for the said Andro Rendale where he wes in use to cast, and the said Malcolm Sinclair and William Moir, servand to Ropnes, with James Steinsone, his greive, come and took the twa boyis spaids fra thame and keipis thame as yet, bot nather dang, strack nor had weaponis with thame, and the turffis ar not as yet led, bot Ropnes upoun the morne causit cast turffis on ather syde of thame.

"John Beinstoun, of the aige of fourtie yeirs, maryit, deponis *quod nihil scit in causa.*

"Alexander Draver in Haybrek, of the aige of twentie sex yeiris, unmaryit, deponis *quod nihil scit in causa.*

"David Gray, officer, of the aige of thriescoir ten yeiris, unmaryit, depons that George Harcas and the said Barbara wer in Sandis bot his maister wes not in the yle. Deponis anent the perambulatioun *conformis* Thome Rendall in Berridaill, as also anent the sex riggis and the quoy, and knawis nothing of the rest.

"Nicoll Haybrek in Haybrek, of the aige of fyftie yeiris, maryit, deponis anent the sex riggis conform to Thomas Rendall foirsaid, as also anent the quoy conforme and also anent the mure and turffis. Anent the rest, *nihil scit.*

"Williame Aith in Brekon, of the aige of fourtie fyve yeiris or thairby, maryit, deponis *quod nihil scit in causa.*

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"Williame Moir, servitour to the said George Sinclair, of the aige of twentie four yeiris or thairby, unmaryit, deponis *quod nihil scit in causa*, bot that he wes one of the thrie that come to the mure, and that twa boyis and Andro Couper wer casting the peittis where the said Andro wes not in use to cast of befoir, and he and the said Malcolm Sinclair Ropnes, his sone, took the boyis twa spaids, who gave thame thair blissing, saying they wold get leive to rest thame, bot deponis thair wes no moir wrong done.

"James Stevinsone, Ropnes his servitour, being summond compeirit not.

"Subscryvit be the saids commissionaris and be Andro Elleis, notar publik thair, clerk electit judiciallie and sworne to the effect befoir specifeit, day, yeir and place abonewrittin. (Signed) P. Smythe off Braco; James Baikie; W. Cragie; A. Elleis *no^rius^, scriba.*"

17th April 1643. Summons at the instance of John Ferguson, indweller in the Canongate, against Alexander Ferguson, younger of Kilkerran, and others, whom he accuses of illegally seizing his person.

363. Summons at the instance of John Fergussoun, indweller in the Cannegait, narrating that Alexander Fergussoun, younger of Kilkerrane, "having complotted with his brother, Captane John Fergussoun, to take the compleanner to the French warres," on last the said Alexander kept the complainer in his company upon the pretence of "making writts till ten houres at night and then desired him to goe to . . . convoy his brother a shipboord to his souldiours, promising to bring him back . . . . . soone they gott him there the said Captane caused putt hands in the compleaner . . . and keepe him among his souldiours, and the said Alexander staw away th[rough] a gwune-hole and left the compleanner there, where he remained without meate or drink fortie eight houres till his mother redeemed him by payment of twentie dollers and a doller to the boatman. Lykeas Sir Johne Fergussoun of Kilkerrane did upon the eight of this instant tryst the compleanner to receave satisfactioun for this wrong; but er ever he wes awar he caused a number of soldiours sett upon him and give him manie bauche and blae straikes and harled him doun Leith Wynd to the ship and tooke his cloak and sword from him till he wes releeved be one of the baillies of Leith." Charge is therefore given for summoning the persons above complained upon to compear before the Council at Edinburgh on 20th June next, and also for citing as witnesses the following persons:—James Leslie, Hew Bow and George Rid in New-hev[in], and . . . Eleis and Patrick Baxter, merchants burgesses of Edinburgh. The summons is dated at Edinburgh, 17th April, 1643 and is signed ARCH. PRIMEROSE, Cler. S. Cons.

20th April and 1st and 2nd May 1643. Notes of executions of summons at the instance of Sir George

364. Notes of executions of summons at the instance of Sir George Johnstone of Caskieben, knight, (1) on 20th April, 1643, by Robert Merser, messenger, against Mr. Alexander Jaffray, late provost of Aberdene, Mr. Robert Farquhar, bailie there, Thomas Jhonstone of Crag, George Rikkard, Charles Dwne and Patrick Jak, younger, burgesses

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there, Mr. James Sandilands, commissary, Begis Forbes, Robert Keith, writer, John Cowttis in Cullairlie, George Cullen, burgess of Aberdene, and Alexander Forbes of Achintowll, all personally apprehended (except the said Alexander Forbes), to compear before the Council on 8th June next, to see the said Sir George, who is presently a prisoner in the tolbooth of the Cannogait, relaxed from his strict confinement to warding in the burgh of Edinburgh and two miles around; witnesses, Arthur Chalmer, burgess in Aberdene, and John Gardyne, younger there; and (2) on 1st and 2nd May, 1643, by Thomas Bruce, messenger, against Robert Keythe in Leyludge, William Orum in Iningzeane, and Isobel Forbes, widow of Alexander Glenny, sometime in Ailhouswell, all personally apprehended; witnesses, George Deanis in Leyludge, Walter Cheyne in Tillilone, George Richie in Todlache, Alexander Richie, his brother, Paul Murdo, son-in-law of the said Isobel Forbes, and William Umphray, servitor to the messenger.

Johnston of Caskieben against Mr. William Alexander Jaffray, late provost of Aberdeen, and others.

365. "My verie honorabill good Lords, According to your Lordships command and instructiounes sent to me, I wreit to the haill barounes and gentilmen within the schirefdome of Roxburgh to meit at Jedburgh the 26 of Apryll last, quhair the greattest pairt of the foirsaid number convenit, to quhom I impairtit fullie your Lordships desyres and red to them your Lordships letter directit to me, with the act for thair securitie thairin inclosed, and did urge the best way was in my power thair obedience to your Lordships propositiounes, to whilkis all in ane voce thair ansuer was that not any of them did promeis to any presbiter any suche lone, nather was it in thair power to informe anie suche thing becaus it was not in any of thair possibilities to advance any moneyis in regaird of thair awin distresse. And, thairfoir, hes willed me to intreat your Lordships not to esteime this thair ansuer ane disaffectioun to that religious motioun who have ever beine verie fordward in any thing concerned aither religioun or the libertie of the countrey quhairin they ar natives, and sall never be refracterie fra any good ordour that may preserve and confirme the samene during thair awin lyfe and subsistance. Whilk ansuer, accordeing to your Lordships desyre, I am obliged to returne, who shall ever stryve to approve my selff your Lordships trew and humble servand. (Signed) S. W. Dowglas. Jedburgh, 26 April, 1633."

[Addressed on the back] "To the right honorabill his verie good Lords the Lordis of his Majesties Secreit Counsell of Scotland, etc., these."

26th April 1643. Letter from Sir William Douglas of Cavers stating that the barons and gentlemen of the sheriffdom of Roxburgh are unable to contribute the loan which the Council had requested of them for the supply of the troops in Ireland.

366. "Our verrie honorable good Lordis, It may pleis your lordships, . . . [torn] . . . the recept of your Lordships letter we gave adverteisment to gentilmen of this schyre to have mett heir at Forfar this day for supplie micht be made be advancement of moneyis, victuall and the urgent necessatis of the Scotisch armie

27th April 1643. Letter from D. Graham of Fintry and James Pearson of Balmadies to the same

purport regarding the gentlemen of the sheriffdom of Forfar.

in Irland conforme to the tenour [of] your lordships letter and act thairwith sent bearing securitie for repayment; whairin we had a verrie slow convention, and fra whome we could have no satisfactorie ansuer to your Lordships demand. And the reason thairof we tak to be that ther being severall warrandis and directiones sent be your Lordships to the severall presbitries of this province which, being representit at the last provinciall assemblie keeped at Montrois upon the auchtein and nyntene dayes of this instant Apryle, to the moderator, bretherine and rewling elders who wer present at that assemblie, the caire thairof wes recommendit be them to certan ministers and gentilmen in everie presbitrie, who wes appointit to tak paines thairin and report ther diligence to thais by whome they wer intrusted and appointed; and if thois gentilmen and ministers to whome that mater is intrusted and ar to tak paines thairin to have everie manis particular ansuer, does not by ther report give your lordships satisfactione, we have litle hopis by a generall meitting of the schyre to get any. And this for report of our diligence and dischairge of our dewties to your lordships we make notar and knowin and sall evir remaine your lordships most humble and affectionat servants. (Signed) D. Grahame of Fyntrie, Jamis Persone of Balmades. Forfar, 27 Apryll, 1643." [Addressed on the back] "To our verrie honorabill and noble good Lordis, the Lordis of his Majesties most honorabill Privie Counsall of this kingdome of Scotland."

28th April 1643. Letter from S. G. Dalmahoy to the same purport regarding the barons and gentlemen of the sheriffdom of Edinburgh.

367. "To the Commissioneris for . . . [torn] . . . burdingis of this kingdome and speciallie . . . marques, Archbald, Marques of Argyll, etc., Sir . . . Ilk, thesaurer deput, and Sir Thomas Hope of . . . , sover]ane lordis Advocat, Sir Johne Dalmahoy of . . . princip]all of the shirefdome of Edinburgh, wisseth all happienes. . . . as I haveing ressavit letter and ordour from your lordships to small barones and gentilmen of the shirefdome of Edinburgh ing course for advancement of certane moneyis upoun securitie for supplie of the necessitie of the Scotisch armie in Ireland, as the letter and act of commissioneris sent thairwith at lenth recordis, trew it is that, according to the ordour givin be the said letter, I wreit to the haill small barones and gentilmen of this shirefdome of Edinburgh shewing thame of the directioun givin to me by letter and intreating thame to have convenit and mett at Edinburgh upoun the tuentie aucht day of Aprill instant in the Parliament Hous thair at ten houres bofoir noone, thair to have conferrit, resolvit and concludit upoun ane course to have bene takin and reportit to your lordships anent that cheritable purpois of suplie of the said armie; upoun the quhilk tuentie aucht day of Aprill instant at ten houres befoir noone that day I compeirit and attendit be myself with my clerk, expecting a frequent meitting of the barones and gentilmen, and quhair thair compeirit onlie fyve, viz. the Lairdis of Nidrie, Inglistoun, Nether Libertoun, Halyairdis and Clerkingtoun, quha declairit that they could not determine in a mater of sick

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a consequence as wes demandit except thair had bene a mair frequent number convenit; and quhilkis persones convenit requyrit me to report to your Lordships thair ansuer that forder course may be takin and apoyntit be your Lordships for convening of the haill small barrones and gentilmen for resolveing upoun ansuer to your Lordships letter and desyre thairof, as your Lordships sall think expedient. So my humell dewty remembrit, I rest, your Lordships most humbil servand. (Signed) S. J. Dalmahoy. Edinburgh, 28 Aprill, 1643." [Addressed on the back] "To the richt honorabill the Lordis of his Majesties Privie Counsell and to the commissioneris for conserveing of the peice, and of the commoun burdinges of this kingdome."

368. Discharge by John Jossy, merchant burgess of Edinburgh, receiver for the Scots army in absence of William Thomsone, general receiver for the said army, to John Gibsone, one of the ordinary clerks of Session, for 1000 merks Scots lent for the support of the said army, which is to be repaid in terms of the Act of Council, dated 4th March last; dated at Edinburgh, 28th April, 1643, witnesses, John Ramsay, writer in Edinburgh, and Harry Wilkie, servitor to the said John Jossy. [Signatures.] "Edinburgh, 8 June, 1643. Produced in Council and ane act past thairupon. ARCH. PRIMEROSE, Cler. S. Cons." 28th April 1643. Discharge to John Gibson, one of the ordinary clerks of session, for the sum of 1000 merks Scots lent for the supply of the troops in Ireland.

369. "Pleas your Lordships, According to your Lordships commandement I convened the most pairt of the barones and gentillmen of this shirefdome of Stirling and red your lordships letter with the act to them, and desyred to know if any of thame wold give their moneyis upon the securitie conteaned in the act. The ansuer of the most pairt wes that they had no moneyis themselves, but they knew of diverse who had moneyis to len upon securitie of a principall and cautioneris as the forme is of lenning within this kingdome but of none that wold len moneyis upon the securitie of that act. This for obedience to your Lordships commandement. What farder your Lordships injoynes to me I shall obey, and remane, your lordships most humble and obedient servand. (Signed) Jo: ROLLOK. Stirling, this 6 of May, 1643." [Addressed on the back] "To the right honorable the Lordis of his Majesties most honorable Privie Counsell." 6th May 1643. Letter from John Rollok stating that the barons and gentlemen of Stirlingshire are unwilling to contribute a loan for the supply of the troops in Ireland.

370. Summons at the instance of James Weir of Kirkfeild and John Mure and John Stewart, his servants there, as follows:—"There is a commoun cart way for carrying of elding from the mure of Fockertoun to the Kirkfeild, wherein the saids Johne Mure and Johne Stuart being upon the eight of August last leading some hors and carts loadned with peitts throw the Overhall, as they and their predecessors had beene in use to doe past memorie of man without interruption, Robert Tailyefeir and Christopher Bannatyne in Overhall, of the speciall direction and hounding out of Johne Bannatyne of Corhouse, came to the compleanners 13th May 1643. Summons at the instance of James Weir of Kirkfield and two of his servants against John Bannatyne of Corehous and others for assault.

and violentlie thrust them and thair hors out of the way, and the said Robert Tailyefeir strake the said Johne Mure with ane rung to the effusion of his blood, and the said Christopher Bannatyne with his hands wounded and bruised the said Johne Stuart, being ane young boy, and forced them to leave them, quhilk they caried back halfe a myle to the mure of Corehous and bound them head and feit together and left them there so as they had almost beene killed be the weight of the carts laid; and profest all this to be done be the said Johne Bannatynes direction, who avowed the same, affirming that he sould punish his servants soundlie if they did not stop the compleanners. And, the further to vexe the compleanners, he hes raised five or six pair of letters of lawborrows at the instance of his tennents without thair consent, and charges the compleanners in seid time, harvest and others important seasons, putting them to great trouble and expenses by suspensiones and otherwayes." Charge is therefore given for citing these persons complained upon to compear before the Council at Edinburgh on . The summons is dated at Edinburgh, 13th May [1643], the 19th year of the King's reign, and is signed ARCH. PRIMROSE, Cler. S. Cons. Miscellaneous Papers.

23rd May 1643. Notes of executions at the instance of Sir David Cunningham of Robertland against Gabriel Porterfield of Hapland and others.

371. Note of two executions on 23rd May, 1643, by Adam Symsone, messenger, of a summons at the instance of Sir David Conyngham of Robertland and Sir Thomas Hope of Craighall, his Majesty's Advocate, (1) against Gabriel Porterfeild of Hapland, personally apprehended, to compear before the Council at Edinburgh on 1st June next; witnesses, Alexander Porterfeild of Duchal, John Niven, servitor to Patrick Conyngham of Kirkland, and Alexander Alshinder, servitor to Alexander Conyngham of Cambuskeith; (2) against William Eglintone in Lochridge, John Andersone, elder in Bradlie, John Andersone, younger there, Allane Andersone in Craigheid, John Burnes in Waterland, and William Camron, kirk officer at the kirk of Dunlope, all personally apprehended, and John Watt in Brokilmuir, John Cummen in Hapland, and John Giffin there, both servitors to Gabriel Porterfeild of Hapland, and . . . at their dwelling houses, to appear as witnesses as above in this cause; witnesses, the said John Niven and Alexander Alshinder.

30th May 1643. Notes of executions against Alexander Cunningham and others.

372. Note of two executions on 30th May, 1643, by Adam Symsone, messenger, against (1) Alexander Conyngham, William Eglintoun in Lochridge, William Castellaw, Alexander Elschinder, and John Home in Mirrihill, at their dwelling places at the market cross of Irwin; also against Hew Eglintoune, Robert Craig, David Speir, Andrew Fauls, and Adam Conyngham, personally apprehended, to appear before the Council at Edinburgh on 6th June next; witnesses, William Burnes and James Gylmour, servitors to Gabriel Porterfeild of Hapland, Rose, son of James Rosse, messenger in Irwin, and John Balie, wright there;

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and (2) John Dicksone, John Davie and Robert Wright as witnesses in the above action; witnesses, Rose, son of James Rosse, messenger in Irwin, Adam Fullartone, merchant burgess there, and William Muir, merchant there.

373. Scroll of business in the Council on 1st, 6th, 8th and 13th June, 1643, partly narrated *ante*, pp. 429–447. There is in addition as follows:— 1st–13th June 1643. Scroll of business.

1st June, 1643. "To be callit—

Sir David Cunyngham *contra* Porterfeild of Hapland.

Jacob Dinkinsone *contra* the baillies of Dysert.

John Irwin *contra* the Earl of Queinsberie and his baillies.

Sir Charles Areskeine *contra* John Ewin.

James Sinclar of Skalloway *contra* Ninian Neven."

"Whither or not his Majesteis letter and declaration sall be furthwith printed conforme to the Kings desyre. [Vote] Fitting to be printed, 26.

Whether the letter sall be subscribit as it is conceaved or without the contraverted clause. [Vote] As it stands, 15; Leave out, 11.

Continewis all actions till Tuesday nixt."

6th June, 1643.

"Sir David Cunynghame and Gabriel Porterfeild.

Sir Charles Areskene and John Hewin.

Laurence Mercer *contra* James Stuart.

John Irwing *contra* Queinsberrie.

Alexander Cudbertsone *contra* William Gordone.

Robert Inglis *contra* John Metcaffe.

Alexander Cogill *contra* Sinclar.

James Sinclar *contra* Ninian Neven.

Margaret Swinton *contra* her husband.

Robert Neilsone *contra* Gordons.

Bill for men in Air taken be the Turks."

8th June, 1643.

"The Vicount of Dudop and toun of Dundie.

The Laird of Robertland and Hapland.

The Earle of Lithgow and Laird of Wauchtoun.

Laurence Mercers precognitioun [deleted].

Alexander Gilbertsone *contra* Sinclar.

Alexander Cogil *contra* Sinclar.

John Ewin *contra* Sir Charles Areskene.

Robert Inglis *contra* John Metcaff.

James Sinclar *contra* Ninian Neven.

George Sibbald *contra* Bennet.

Marion [*sic*] Swinton *contra* her husband.

The Laird Leslie and Marquis Huntlye.

The prisoners of Air."

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"The quhilk day the Advocat reproduced the fyve letters delyvered to him on Tuesday last and subscryvit be Nithisdail and Aboyne."

Copy of the Act for acquainting the Commissioners of the Peace with the business done. (Signed) LOUDOUN, Can^{ll}rius. I.P.D.

13th June, 1643.

"The Laird of Wauchton *contra* the Earle of Lithgow.
The Vicount of Dudop and toune of Dundie.
The Laird of Robertland and Hapland.
George Sibbald *contra* Edward Bennet.
John Malcolme *contra* Kilspendie.
Laird Leslie *contra* the Marques of Huntlie.
Robert Neilsone *contra* William Gordon.
John Home of Castlelaw *contra* Captane Elphinston.
Mr Archibald Cameron *contra* Buchannan.
James Sinclar *contra* Ninian Neven.
The Laird of Caskiben *contra* his creditors.
Margaret Swinton *contra* her husband.
Robert Inglis processe to be advysed.
Commission against witches."

"The quhilk day the Vicount of Dudop nominat Balmerino and Balcomie; the commissioners for the toune of Dundie nominat Durie and Innerpeffer, to whome they submitted all differences and questions standing betuix thame to be decydit betuix and the day . And in ca" [This paragraph deleted].

Copy of the act anent the letter of credence, etc. (Signed) LOUDOUN, Can^{ll}rius, I.P.D.

3rd June 1643. Summons at the instance of Mr. James Durham of Pithero, Dictator of the Rolls of Exchequer, against Mr. John Malloch.

374. Summons at the instance of Mr James Durhame of Pitkerro, Dictator of the Rolls of Exchequer, narrating that although the removing of march stones is strictly prohibited by law, yet in the month of last Mr John Malloch has at his own hand, without warrant and with convocation, "removed fyve merche stones quhilks did stand upon the compleanners lands of Keillour these manie yeeres bygane," and ordaining that the said Mr Johne and as witnesses be cited to appear before the Council at Edinburgh on 20th June; dated at Edinburgh, 3rd June, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons.

7th June 1643. Note of execution of summons at the instance of George Johnston of Caskieben against Mr. Robert Burnet and others.

375. Note of execution on 7th June, 1643, by John Thomesoun, messenger, of summons at the instance of George Jonstoun of Caskiben, against Mr Robert Burnit, Patrick Forbes and John Bonner, merchants, and Alexander Forbes, all personally apprehended, in Edinburgh, to compear before the Council at Edinburgh on 8th June instant; witnesses, James Keith, writer, Alexander Schaw, servitor to the said Sir George, John Hart, younger, messenger, and John Schand.

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376. Extract of the act of Council upon the loan made by John Gibson, one of the ordinary clerks of Session, printed *ante*, p. 437. Signed by ARCH. PRIMROSE, Cler. S. Cons. 8th June 1643. Loan made by John Gibson, one of the ordinary clerks of session.

377. Scroll of proceedings in Council on 8th and 9th June, 1643, narrated *ante*, p. 437–445, with these additions. 8th-9th June 1643. Scroll of proceedings.

9th June, 1643.

"The Earle of Lindsay gave his oath and wes admitted upon the Commission."

"Quhither or not the consideration of this bussines fall within the compasse of our commission as being a part of the articles of the treatie."

[Vote] Affirmative, 17; Not, 4: Monday, 15; this day, 3. (Signed) A. JOHNSTON, BALCARRES, LINDSAY.

Also two drafts of letter to the lords mentioned by Mr Walden, of which the fuller is here given:—"My Lord, The commissioners for conserveing the peace haveing this day ressaved a letter from the Parliament of England concerning your lordship and those noblemen that come with you from Oxford, have forborne to proceid further therein untill first they sould heere your lordship thairanent, and have appointed a meiting to be on the 19 June nixt, and that in their name I sould give warneing to your lordship to keep that day. Thes ar therfoir to desyr your lordship to be present the aforsaid dyet, quherof being confident, I rest, your lordships assured frend and servant,

Edinburgh, 9 June."

378. Notes of executions of a summons at the instance of John Fergusoun, indweller in the Cannogait, (1) on 10th June, 1643, by Hew Lawder, messenger, against Alexander Fergusoun, younger of Kiltarin, personally apprehended within the burgh of Edinburgh, to compear before the Council at Edinburgh on 20th June instant; witnesses, Thomas Dowie, indweller in St. Johnstoun, and William Lyndsay, post, indweller in Edinburgh: (2) on 10th June, 1643, by John Hamiltoun, messenger, against Sir John Fergusone, elder of Kinkirren, at his dwelling hous in the Cannogait, as also at the market crosses of Edinburgh and the Cannogait, to compear as above; witnesses, Thomas Dowie in Perth, Robert Grahame in the Cannogait, the above William Lyndsay, and Alexander McBrek, notary: and (3) on 16th June, 1643, by Jon Oliver, elder, messenger, against James Leslie and Hew Boll, indwellers in Newhevin, personally, and George Rid there at his dwelling house; as also on the 19th June against James Eleis, personally apprehended, and Patrick Baxter at his dwelling house in Edinburgh, to compear as witnesses as above; witnesses, at Newhevin, James Weir, stabular in Edinburgh, and William Dowie, in Cannogait; also, Alexander McBrek, notary in Edinburgh, and Finella Urquhart, tailor there. 10th-16th June 1643. Notes of executions of a summons at the instance of John Ferguson, indweller in the Canongate, against Alexander Ferguson, younger of Kiltarn, and others.

13th June 1643. Agreement between the representatives of the late Captain David Robertson and the State of Hamburgh by which the said representatives consent to surrender their letters of reprisal against the said State on condition of their receiving the sum of £15,000 sterling as indemnity for the losses inflicted by the said State on the late Captain David Robertson.

379. "At Edinhurgh the threttene day of Junie the yeere of God ane thousand six hundreth fourtie three yeeres. The Lords of Secreit Counsell, having read and considdered the Exoneration and Renunciation underwrittin givin be Johne, Earle of Rothes, and his partners aftermentiouned to the Lords of the State of Hamburgh of the letters of reprisall granted be his Majesty and Estats of Parliament at the instance of the saids partners aganis them, together also with the acquittance givin be the Lord Admirall upon satisfaction made to him tuiching his interesse in this mater, dated at the Cannogait, the 12 day of Junie instant, bearing his consent to the granting of the desire of the saids partners concerning the Declaration afterspecifeit craved be them to be made to the saids Lords, and having also heard the said desire of the saids partners, and being weill advysed therewith, the saids Lords of Privie Counsell have ratified and approvin the said Exoneration made be the saids partners and have interpouned and interpons their authoritie thereto, and ordanis the same to be insert and registrat in the bookes of Secreit Counsell, of the whilk the tenor followes:—To all and sindrie whom it effeirs, speciallie to the Lords of the State of Hamburgh. Whereas in the moneth of Februarie last wee, Johne, Earle of Rothes, Sir George Hamilton of Blackburne and George Arnot, merchant burges of Edinburgh, directed Archibald Mercer, baillie of Culros, our commissioner to the Lords of the said State, to receave from them satisfaction of our losses, amounting to fyftene thousand punds sterline, susteanned by us upon occasion of certane wrongs committed be Alexander Longuen and Michael Utenholt, skippers in Hamburgh, upon umquhill Captane David Robertsone; and whereas the Lords of the said State, by agreement past betuix them and our said commissioner, hes obliged them to pay to our said commissioner the soume of eight thousand punds sterline at threttie sevin shillings Fleemis for ilk pund, to witt, ane thousand punds sterline alreadie payed, and fyve thousand punds at St. Johne's day, the 24th of Junie instant, and the other tua to be payed at Michaelmes, 1643; for the whilk we and our remanent compartners ar obliged to deliver the letters of reprisall or anie other acts or writts obteanned be us aganis the said State of Hamburgh at anie time bygane to be cancelled and destroyed; and the saids letters and writts to be delivered to Mr Joseph Averie, resident at Hamburgh for his Majestie of Great Britane, at the payment of the secund terme of fyve thousand punds to remaine in his hands till the last terme of tua thousand punds be compleitlie payed; and whereas also our said commissioner in this agreement is obliged to procure the consent of George Scot, sone in law to the said Captane Robertsone, and the consent of all other partners heirto, or ellis a declaration or warrandice from the Lords of Privie Counsell of this kingdom, that no person whatsomever belonging to this kingdom sall trouble the said State or anie of their inhabitants for whatsomever caus belonging to this bussines, as in the said agreement of the date the 24 of Aprile last more fullie is conteanned; and, albeit

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this agreement doeth not satisfie our losses in a great part, yit for removing all differences and processes and for interteaning freindship and commerce betuix the Lords and citicens of the said State and subjects of Scotland, witt ye us, the saids Earle of Rothes, Sir George Hamilton and George Arnot and with us also Sir Patrik Hepburne of Wauchtune, Sir David Crichton of Lugton, Marion Wilkie, relict of umquhill Andro Ainslie, merchant burges of Edinburgh, Barbara, Isobell and Marion Ainsleis, his daughters, the said George Arnot, takand burden on him for the airs of umquhill Mr Harie Arnot, Johne Short, air to umquhill Alexander Couan, my uncle, Patrick Scott, writter, in name and takand burden one me for George Scot, sone in law to the said Captane Robertson and for Robertsone, his spous, for their interesses and for the interesse of Sir John Blacader of Tulliallan, whois right is in the person of me, the said George Scot, Thomas Livingston, sone and air of umquhill Allan Livingston, merchant, burges of Edinburgh, and James Stirline, brother to Alexander Stirline of Powes, tutor to Marie Stirline, daughter to the said umquhill Alexander, and takand burden on him for her, the remanent compartners, to have ratified and approvin, lykeas be thir presents we ratifie and approve the agreement foiresaid made with the said Archibald Mercer, our commissioner, and exoners and discharges the said State of Hamburgh their citicens and all others having interesse in that State of the saids letters of reprisall and of all processe, action and execution competent to us aganis the said State or inhabitants thereof upon the saids letters, and of all action and processe intented or to be intented for the coast, skaith or dammage susteanned be us upon occasion of the wrongs done to the said Captan Robertson or anie of us, his partners, and for the which the said processe wes moved agains the saids Alexander Longuen and Michael Vtenholt; and consents and gives warrant be thir presents to the said Archibald Mercer, our commissioner, to deliver the saids principall letters of reprisall to the said Mr Joseph Averie at the said secund termes payment of fyve thousand punds sterline to be delivered thereafter to the said State; the haill soume foresaid agreed upon being first satisfied and payed to us or our commissioner conforme to the said agreement. In witnes quhairof we have subscrived thir presents at the dayes of Junij, 1643. *Subscribitur*, Patrik Hepburn of Wauchtun; S. G. Hamilton; Lugtoun; Patrik Scot; Johne Schort; James Stirline; Thomas Livingston; George Arnot; Marion Wilkine; Barbara Ainslie; Isobell Ainslie; Marion Ainslie. And in regard of the said exoneration and agreement therein mentiouned, the saids Lords declares the said State of Hamburgh and thair citicens to be free of the saids letters of reprisall and all that may follow therewpon, and never to be troubled be vertue thereof be anie person in this kingdom in time comming; the said State fulfilling their part of the agreement, and making payment of the soume agreed upon to the saids partners or their commissioner conforme to

the said agreement. Extractum de libris Actorum Secreti Consilij per me. Miscellaneous Papers.

15th–20th June 1643. Scroll of proceedings.

380. "Edinburgh, 15 Janij, 1643:—
Mr David Courtie, minister, *contra* Patrick Trotter.
Mr George Norwel *contra* Sir James Sinclar.
Johne Home *contra* Captane Elphinston.
Mr Archibald Cameron *contra* Buchannan.
Robert Inglis *contra* Coline Campbel.
Caskiben *contra* his creditors." [All scored through.] Also sederunts of 15th and 20th June and note of business on the latter date as already printed *ante*, p. 447–452.

16th June 1643. The Earl of Antrim and his servitor, Thomas Lillie.

381. "Edinburgh, 16 Janij, 1643. [After noting the sederunt and the act of Council respecting Thomas Lillie *ut ante*, p. 449, there follows] And also to examine John Maxwell of Broomholme, and that they meet for that effect the morne at 8 houres.

Thomas Lillie, servitor to the Earle of Antrim, depons he come out of Yorke with the Earle of Antrim, and he knew of his comeing frome Yorke 10 dayes before he come away, bot he knew not quhair he wes going. Bot 2 or three dayes before Antrim went away he hard Michel Deramagier, one of my Lord's servants, tell him that my lord wes going to his awne countrey in Ireland, and wes employed for makeing a peace betuix the Irish and English, and the deponer hard it comonlie reported in Yorke that Antrim had commission for that effect and that Antrim had a ship with ammunition, bot knowis not quhair he got it, or whither he wes to take it, nor what wes of it, bot he hard the ship lay at Scairsburgh. Depons he hard the Earle of Antrim told his ladie he would land in Dublin, and he hard that Lord Taffe and Dillan were joyned in commission with the Earle to make this peace.

[Vote] Whither or not Thomas Lillie sall goe to attend my Lord Antrim or another servant. Thomas Lillie, 14; Another, 11; Monro, 1; Liberty, 1.

The Councel ordans Thomas Lillie be put to libertie, and recommends to the Lord Generall to give order that Thomas Lillie may saifflie goe [to] the Earle of Antrim, and, in presence of suche as Monro sall appoynt, delyver his cloakbak and suche other cloths as ar therein; and then, he being removed, that the Lord Antrim may have libertie to make choise of suche of his servants as are thair to waite upon him as sall not have intelligence with Thomas Lillie; and that servant be kept close with him."

19th June 1643. Letter from his Majesty

382. Right trusty and right welbeloved cousins and councellors, and trusty and right welbeloved councellors, wee greete you well. Wee have receaved yours of the eighth of this moneth, whereby you advertise

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that you have intercepted some letters from the Earle of Nithisdaill and Vicount of Aboyne, whereat wee are much astonished and for which wee shall leave them to make their answer. But, whereas we understand that our dearest Consort the Queene is traduced for some letters or directions which are reported to have been written or given by her, wee have now receaved full satisfaction from our said Consort that she hath not written nor done any thing at all in any such buisines as is untruly reported of her in that our kingdome. Wherefore our will and command is that you presently cause a due and strict examination to be taken concerning the raysers and divulgers of such a false scandall upon her, and exemplary and severe punishment to be inflicted upon them as you tender our honour. Given at our Court at Oxford, the last day of June, in the nineteenth yeare of our reign. (Signed) Charles R.

anent the intercepting letters from the Earl of Nithsdale and the Viscount of Aboyne, and anent an evil report regarding some letters written by the Queen.

Chancellour and Councell of Scotland.

[Addressed] To our right trusty and right welbeloved cousins and councellors, and to our right trusty and welbeloved councellors the Lords and others of our Privy Councell of Scotland.

383. "Right honorable, some twoe daies agoe here arrived Captaine Rainborow, captaine of his majesties shippe, *The Lyon*, bringinge a relation to the House of Commones that hee had brought into Yarmouth road a shippe of Scotland wherein hee found 200 souldiers, 30 whereof were Scotts, the rest suspected to bee Ireishe under the conducte of Sir Arthur Douglas and of a Captaine Lieutenant to Sir James Raymount. The master upon his examination acknowledgeth that hee tooke these souldiers in at Leeth in Scotland at 12 o'clocke at night, and that hee is bound by charter partie to land them at Diepe in Normandy or at what other place they should thinke fitte. When a shippe of ours chased them first, they fledd to seaward, beeing then neere the shore about Flamborough head, but the next morninge that shippe of ours found them retorned neere to the same place againe. Our shippe boate cominge aboard them found none but Scotch saylors above hatches, the souldiers beinge stowed in the hould, and upon search found but three daies victualle aboard, too shorte a proportion for soe longe a voyage for soe many men. For these reasons and the other mentioned in the inclosed under the Captaines hand, the House of Commons is of opinion that the voyage of these souldiers was intended to bee much shorter then they pretended and that really they were designed to give assistance to the Queens Popish armie against the Parlyament, which might justlie have provoaked the Houses to have proceeded against them severally accordinge to their demerritts. But such is the greate respecte the Parlyament of England doeth beare to the subjects of the kingdome of Scotland that, finding they had noe passe from the Councell of that kingdom, they have thought fitte rather to retorne them to the place from whence they came, and I am ordered by the House of Commons with tender of their best respects to your Lordships, to acquainte you

23rd June 1643. Letter from William Lenthal, Speaker of the House of Commons, anent a ship seized by Captain Rainborow, in which he found 200 Scottish soldiers who are suspected of being intended for service in the King's army

with the businesse and seriously to disire you in their names to take such examination of the persons as your Lordships shall thinke fitte, and to proceed with them in such manner as to your wisdomes shall appeare most agreeable to justice. (Signed) Your most humble servant, Wm Lenthall, Speaker of the Comons Howse in Parliament." "Westminster, 23° Junij, 1643. There are 3 or 4 of these souldiers knowne to Captaine Rainesborow to have beene in actuall rebellion in Ireland, for which cause this State will proceede against them here upon the evidence." Miscellaneous Papers.

[Addressed on back] "To the right honorable the Lords of Secrett Councell in the kingdome of Scotland, these."

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